

# *CITY COUNCIL*

## ***Public Safety, Public Works and Neighborhood Services Committee***

**Tuesday, February 21, 2012**

**Agenda**

**5:00 p.m.**

The Public Safety, Public Works and Neighborhood Services Committee's area of responsibility includes Police, Fire, Neighborhood Parks, Neighborhood Revitalization, Community Development, Code Enforcement and Graffiti Abatement efforts, Community Group Organization and Support

**Committee Members:** Marcia Goodman-Hinnershitz (Chair), Jeff Waltman (Vice Chair) and Stratton Marmarou

*Although Council committee meetings are open to the public, public comment is not permitted at Council Committee meetings. However, citizens are encouraged to attend and observe the meetings. Comment from citizens or professionals during the meeting may be solicited on agenda topics via invitation by the Committee Chair.*

*All electronic recording devices must be at the entry door in all meeting rooms and offices, as per Bill No. 7-2012*

- I. Four way Stop Intersection St. Bernadine and Greenway Tc**
- II. Property Maintenance Code Amendment**
- III. Quality of Life Ticketing Program Review**
- IV. Outcomes of MDJ Rulings on Codes Cases**
- V. Housing (CE01 & CD01)**  
Discuss process for properties requiring Conditional Use hearing that are currently in the zoning application backlog (breakouts of approximately 700 properties attached)
- VI. Condemnation Proceedings WWTP**

## **VII. Merchant Parking Permit**

## **VIII. Update Recreation Commission (PW 17)**

### **Follow-up Issues:**

- February 2012 - Plumbing Code Amendment
- February 2012 - Update on Zoning Backlog
- Stormwater Utility (PW 19)
- Seek Sponsorships for parks and park maintenance (PW 11)
- Former Police Academy Building
- Establish and Enforce a Utility Cut Program (PW 15) - in progress
- Fleet Maintenance Contract with Neighboring Municipalities (PW 03)
- Inventory of Lease Agreements (PW11)
- Capital Repairs to Library - in progress
- Managing all street lights (PW 21)
- Citadel Traffic Issues - C. Jones/D. Campbell
- Egelman's Park
- Egelman's Dam
- Ordinance Regulating Utilities in City Streets

# *CITY COUNCIL*

## ***Public Safety Committee***

**Monday, January 3, 2011**

**Council Office**

**7 p.m.**

**Committee Members Attending:** D. Sterner, Chair, M. Goodman-Hinnershitz, J. Waltman

**Others Attending:** V. Spencer, L. Kelleher, C. Geffken, R. Natale, K. Kulp, W. Heim

Mr. Sterner called the Public Safety Committee meeting to order at 5:10 p.m.

### **Citizen Service Center (CSC) Report**

Mr. Geffken stated that Ms. Weidel was unable to attend the meeting this evening.

Ms. Goodman-Hinnershitz questioned the status of the Citizen's Service Center due to the recommendation made in the Transition Committee Report. Mr. Geffken stated that the CSC will remain until its status is determined by the member's of Council after a proposal is provided by the Mayor.

Ms. Kelleher inquired when the Mayor will be making a proposal to Council. Mr. Spencer stated that the Administration plans to make its presentation on Monday, January 9<sup>th</sup>.

### **Quality of Life Ticketing Implementation Report**

Mr. Natale stated that approximately 16,000 tickets were issued in 2011, 450 appeals were heard, and 191 appeals were granted. He stated that he believes that approximately 50% of the tickets issued were paid.

Ms. Goodman-Hinnershitz questioned the issuance of tickets that are not at the heart of true neighborhood problems. She noted her preference to address neighborhood problems rather than ticket easily visible violations that do not create problems.

There was next a discussion on the policy beyond the Quality of Life Ticketing ordinance.

Mr. Waltman stressed the need to engage rather than disengage the City's residents.

Ms. Goodman-Hinnershitz suggested that an education outreach via a warning followed by ticketing occur instead. She did note, however, that neighborhood appearances have improved since the start of the Quality of Life ticketing.

Mr. Natale noted that the Codes office has started its second time around with Quality of Life sweeps. He noted that the Quality of Life violations are greatly reduced at the front of properties. He noted that the largest recurrent problems are in alleyways. He noted that the City's Codes require property owners to be responsible for their property to the midpoint of the alley way.

There was discussion on residents being unsure about their responsibility for the cleanliness and maintenance of alleyways. Mr. Geffken noted that most residents believe that they are not responsible. Ms. Kelleher agreed, as most residents often see alleyways as a public right-of-way but noted that property owners are required to maintain the front sidewalks which are also a public right of way.

There was next a discussion on a media campaign to educate the public on Quality of Life ticketing and the new City Housing ordinance.

Mr. Waltman noted the need for the City to complete an inventory of all City properties showing their condition and compliance with the City's Codes.

Chief Heim expressed the belief that the decision to warn or issue a ticket should be based on the historical issues at a property that can be obtained through the City's database.

Mr. Natale stated that the Codes office is moving to map compliance and allowing the City's Inspectors to have access to the City's database while they are in the field.

Mr. Natale stated that an upcoming campaign to educate the public about Quality of Life and the Rental Housing ordinance will occur in upcoming water bills and a newspaper ad.

Mr. Natale stated that he will supply a report on the year-end Quality-Of-Life ticketing at the February Public Safety meeting. He noted that his monthly report covers all these details. Ms. Kelleher stated that Council does not currently receive the monthly Codes report and suggested that the report be provided.

#### **Year-to-Date Review of Codes Services**

Mr. Natale stated that this report will be provided at the February Public Safety meeting.

#### **Outcomes of MDJ Rulings**

Mr. Natale stated that this report is provided on the City's website. He stated that he has not seen any major changes in the decision making by the Magisterial District Justices.

There was next a discussion on outreach to the MDJ's to educate them and increase the Codes Office success rate in the courtroom.

Ms. Goodman-Hinnershitz suggested a community court watch to place additional pressure on the MDJ's. Mr. Natale stated that this has worked in certain circumstances. Mr. Natale also noted that a Lunch and Learn is being coordinated by the Codes Office and President Judge Schmehl.

### **Housing Update**

Ms. Kelleher stated that with the enactment of the amendment to the Zoning Ordinance and the enactment of the new City Rental Housing Permit, letters will need to be issued to two (2) groups of applicants; those who comply with the application process and will receive a Zoning Permit and those who do not comply. Mr. Geffken stated that Mr. Kersley is working on the analysis of this issue and drafting the letters.

Mr. Waltman noted the need for the City to prepare to close down those property owners who refuse to comply with the City's ordinances. He noted that the City has given away too much Zoning through the previous process.

Mr. Natale stated that he is currently working with IT to automate the Housing process so that it's ready for the February 1<sup>st</sup> effective date. He promised to provide a Housing ordinance update in March.

### **Police and Fire**

Ms. Goodman-Hinnershitz thanked the Police and Fire Departments for assisting with the New Year's Eve events at the Pagoda.

Chief Heim noted the arrest of someone who fired a gun into the air on Maple Street on New Year's Eve.

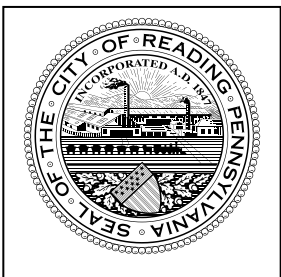
Chief Kulp reported on the outfitting of Fire apparatus for snow events.

The Public Safety Committee adjourned at 6 pm.

*Respectfully submitted by Linda A. Kelleher CMC, City Clerk*

### **Issues for Follow-Up:**

- February 2012 – Plumbing Code Amendment
- January 2012 – Property Maintenance Code Amendment
- February 2012 - Update on Zoning Backlog



# *CITY COUNCIL*

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## ***Public Works Committee***

***Tuesday, January 17, 2012***  
***Meeting Report***

**Committee Members Attending:** D. Sterner, S. Marmarou, M. Goodman-Hinnershitz acting Chair

**Others Attending:** S. Katzenmoyer, C. Jones, L. Lee

Ms. Goodman-Hinnershitz, acting Chair, called the Public Works Committee meeting to order at 5:42 pm.

### **Special Parking Provisions in Metered Areas**

- Downtown Loading Zones and Drop Off Requests

Mr. Jones stated that he receives many requests for these items in downtown areas that are metered parking spaces. He described a situation on N 5<sup>th</sup> St where a drop off was requested very close to a pull in area which has already been designated for drop off.

Mr. Lee agreed and stated that there is also a grace period for some meters and a grace period at a nearby parking garage which allows entrance for drop off and to continue out without incurring the parking fee. He requested that no metered spaces be lost. The Committee agreed with Mr. Lee regarding the loss of metered spaces.

Mr. Jones stated that he has already met with Mr. Lee regarding this issue and they have come to agreement. He noted his wish to inform Council in case phone calls are received.

Chief Heim arrived at this time.

Mr. Jones described a loading zone request at an intersection which already has loading zones on two of the four corners. He stated that he and Mr. Lee have agreed not to grant this request.

Mr. Jones noted a request for a church space on the street at 5<sup>th</sup> & Cherry Sts. He stated that the space will be posted for church purposes during designated times but that those using the space will need to comply with the meter regulations. The Committee agreed with this compromise.

Ms. D'Auria arrived at this time.

Ms. Goodman-Hinnershitz noted the need for consistency in City policy. She noted that the City does not contain enough on-street parking spaces to accommodate residents. She also noted the need to keep the metered spaces for turnover in the downtown area.

- Merchants' Parking Permit

Mr. Sterner stated that he recently attended a community meeting hosted by the Parking Authority regarding this issue.

Mr. Lee explained that this program began as a pilot program during the tenure of his predecessor. He stated that merchants in the 000 block of S 9<sup>th</sup> St and the 000 and 100 blocks of N 9<sup>th</sup> St are able to purchase a parking permit for \$100 annually which allows them to park all day in front of their stores. He stated that the program was never approved by Council.

Mr. Lee stated that merchants and residents were in attendance at the community meeting. He stated that there are 44 businesses in these blocks and only 14 have the permits. He stated that those with permits want to park in front of their business all day. He stated that this seems contrary to the metered concept of turnover to increase business patrons.

Mr. Lee stated that the Parking Authority board is requesting Council review of the issue and recommends approving the merchant permit. He requested that Council consider that allowing this type of permit may expand the program to other downtown areas.

Chief Heim stated his opinion that this permit goes against the customer turnover generally supported by business owners. He stated that long term parking should be in the downtown garages. He stated that the 9<sup>th</sup> St corridor has a constant problem with double parking. He stated that residents will also want access to these permits as they have problems locating on-street parking. He reminded Council that many business owners do not own the properties in which they are located. He stated that this began as a pilot program but never ended.

Mr. Marmarou agreed with the problem of double parking on this corridor.

Ms. Goodman-Hinnershitz suggested that merchants use the parking garages. She noted the need for residents to have access to parking.

Mr. Lee reminded the Committee that an article appeared in the Reading Eagle on this issue several weeks ago. He stated that residents are complaining that they cannot find on-street parking and that they must feed the meters but merchants have full-day access to street spaces at a reduced rate.

Mr. Sterner suggested that if Council approves the program that the permit fee be increased as this \$100 fee has been charged for many years and never increased. He noted that if the program

is cancelled that merchants will appear to speak before Council to complain. He stated that the Parking Authority Board approves of the concept of this permit but that he, Mr. Lee, and Chief Heim do not.

Ms. Goodman-Hinnershitz stated that this issue also has economic development implications. She suggested that this issue be referred back to the Administration before action is taken by Council. She described a property on Perkiomen Ave which was developed into three businesses but has no off-street parking available.

Mr. Sterner questioned if Mr. Lee could cancel the program without Council approval. Mr. Lee stated that he can. He stated that he has already extended the program through the end of January. He noted his discomfort with continuing a program that has not been approved. He stated that he needs a decision from Council.

Mr. Marmarou stated that the parking lot at 9<sup>th</sup> & Court is underutilized. He stated that the owner has been contacted in the past. Mr. Lee stated that access has been refused in the past.

Ms. Goodman-Hinnershitz noted the need to know who owns the parking lot. She suggested that the owner be approached again as the City helped to fund that project. She suggested that the Administration lead the dialog and discuss this issue again at the February Public Works Committee.

Mr. Lee was amenable to extending the program to the end of February.

Mr. Jones stated that he will update the Administration on this issue.

Mr. Sterner noted the need for the Administration to be aware of this issue and that the program should not continue without Council approval.

Ms. Goodman-Hinnershitz stated that this issue will begin occurring in other parts of the City.

### **Update Recreation Commission**

Ms. Goodman-Hinnershitz reported that a candidate for Executive Director is being approached with an offer. She stated that the candidate is not a City resident but is familiar with the City.

### **Seek Sponsorships for Parks and Park Maintenance**

Ms. Goodman-Hinnershitz suggested delaying this discussion until the Recreation Commission executive director has been named.

Mr. Jones stated that there are already agreements in place for some areas. He stated that Masano is caring for the islands on Hancock and Brookline at Lancaster Av.

Chief Heim noted the problems these plantings are creating with officers being unable to see activity in the large parking lots adjacent to the islands. He stated that this is a major concern.



Mr. Marmarou questioned if permits were obtained for these plantings. Mr. Jones stated that none were issued.

Mr. Marmarou suggested that they be requested to remove the items since there are no permits.

Mr. Jones explained that Masano began mowing the islands in 2010 and planted flowers. He stated that the plantings have greatly increased this year.

Ms. Goodman-Hinnershitz expressed her belief that this is occurring City-wide as people are "caring" for City property without permission. She noted the need for formal agreements and again suggested working with the executive director of the Recreation Commission.

Mr. Sterner stated that the public safety issues need to be addressed and suggested contact be made with Masano. Chief Heim noted his willingness to visit Masano and discuss the issues with them.

### **Traffic Ordinances**

Mr. Jones stated that there are two ordinances on Council's agenda. He stated that he is requesting that 4<sup>th</sup> & Oley become a four-way stop. He also stated that a local business has requested to change 1/2 block of Division St to two way. He stated that the business located in this area cannot receive deliveries with this portion being only one-way. He stated that without this action by Council, the business will be forced to relocate.

### **Other Items**

- 1700 block Muhlenberg St

Ms. Goodman-Hinnershitz stated that residents have been questioning if this is an open street. She stated that it is paved and that it begins as an alley but then becomes wider. She stated that she has requested assistance from Ms. Katzenmoyer who was unable to determine the status. Mr. Jones stated that he will look into the status.

- Stormwater Utility

Ms. Goodman-Hinnershitz noted that the Administration has requested that Council re-open the 2012 budget. She questioned if the Stormwater Utility is included. Mr. Jones stated that it is not at this time but that he continues work on the issue.

The meeting adjourned at 6:15 pm.

Respectfully submitted by  
*Shelly Katzenmoyer, Deputy City Clerk*

**ORDINANCE NO. \_\_\_\_\_-2012**

**AN ORDINANCE ESTABLISHING A FOUR-WAY STOP  
INTERSECTION AT ST. BERNARDINE STREET AND GREENWAY TERRACE IN THE CITY  
OF READING, PENNSYLVANIA**

**THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:**

**SECTION ONE.** Intersection at St. Bernardine Street and Greenway Terrace is hereby established as a four-way stop intersection.

**SECTION TWO.** Drivers of all vehicles approaching said intersection shall come to a complete stop and not proceed into said intersection until it can be done with safety, as provided in the Pennsylvania Motor Vehicle Code.

**SECTION THREE.** This ordinance shall become effective ten (10) days after its adoption in accordance with Sections 219 and 221 of the City of Reading Home Rule Charter.

Enacted by Council \_\_\_\_\_, 2012

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
City Clerk

AMENDING CHAPTER 5, CODE ENFORCEMENT, PART 6, PROPERTY MAINTENANCE, OF THE CODIFIED ORDINANCES OF THE CITY OF READING, PENNSYLVANIA, BY ADOPTING AND AMENDING THE INTERNATIONAL PROPERTY MAINTENANCE CODE OF THE INTERNATIONAL CODE COUNCIL, 2012 EDITION, AS DELETED, MODIFIED OR AMENDED AS SET FORTH TO CREATE A REVISED CITY OF READING PROPERTY MAINTENANCE CODE ESTABLISHING MINIMUM REGULATIONS GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES, BY PROVIDING THE STANDARDS SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND THE DEMOLITION OF SUCH STRUCTURES AS ATTACHED AS Exhibit A.

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

**SECTION 1: Adoption of the International Property Maintenance Code.**

Amending Chapter 5, Code Enforcement, Part 6, Property Maintenance, of the Codified Ordinances of the City of Reading, Pennsylvania, by adopting and amending the International Property Maintenance Code of the International Code Council, 2012 Edition, as deleted, modified or amended as set forth to create a revised City of Reading Property Maintenance Code establishing minimum regulations governing the conditions and maintenance of all property, buildings and structures, by providing the standards supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use and the condemnation of buildings and structures unfit for human occupancy and the demolition of such structures as attached as Exhibit A.

**SECTION 2:** All relevant ordinances, policies and regulations of the City of Reading not amended shall remain in full force and effect.

**SECTION 3:** If any section, subsection, sentence or clause of this Ordinance is held for any reason to be invalid such decision shall not affect the validity of the remaining portions of this Ordinance.

**SECTION 4.** This Ordinance shall become effective within ten (10) days in accordance with Charter Section 219.

Enacted \_\_\_\_\_, 2012

\_\_\_\_\_  
Council President

Attest:

\_\_\_\_\_  
City Clerk

Submitted to Mayor: \_\_\_\_\_  
Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_  
Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_  
Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_  
Date: \_\_\_\_\_

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# CHAPTER 1

## SCOPE AND ADMINISTRATION

### PART 1 — SCOPE AND APPLICATION

#### SECTION 101 GENERAL

##### [A] 101.1 Title.

These regulations shall be known as the ~~International Property Maintenance Code of~~ **PROPERTY MAINTENANCE CODE OF CITY OF READING, PENNSYLVANIA**, hereinafter referred to as “this code.”

##### [A] 101.2 Scope.

The provisions of this code shall apply to all existing residential and nonresidential structures and all existing *premises* and constitute minimum requirements and standards for *premises*, structures, equipment and facilities for light, *ventilation*, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of *owners, operators* and *occupants*; the *occupancy* of existing structures and *premises*, and for administration, enforcement and penalties.

***101.2.1 Reporting. It is the right of every tenant and resident to report any presumed violations of this code to the Property Maintenance Division (“PMD”) or a representative of this Division. A landlord cannot evict a tenant or tenants in retaliation for the reporting of alleged Code violations.***

##### [A] 101.3 Intent.

This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued *occupancy* and maintenance of structures and *premises*. Existing structures and *premises* that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

##### [A] 101.4 Severability.

If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

#### SECTION 102 APPLICABILITY

##### [A] 102.1 General.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.



**[A] 102.2 Maintenance.**

Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or *premises* was constructed, altered or repaired shall be maintained in good working order. No *owner*, *operator* or *occupant* shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the *owner* or the *owner's* designated agent shall be responsible for the maintenance of buildings, structures and *premises*.

**[A] 102.3 Application of other codes.**

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the ***effective International Existing Building Code, International Building Code***, International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, International Plumbing Code and NFPA 70 ***and as adopted by the Pennsylvania Uniform Construction Code as adopted by the City of Reading***. Nothing in this code shall be construed to cancel, modify or set aside any provision of the City of the ~~International Zoning Code~~ ***Reading Zoning Ordinance***.

**[A] 102.4 Existing remedies.**

The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and insanitary.

**[A] 102.5 Workmanship.**

Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a *workmanlike* manner and installed in accordance with the manufacturer's instructions.

**[A] 102.6 Historic buildings.**

The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the *code official* to be safe and in the public interest of health, safety and welfare.

**[A] 102.7 Referenced codes and standards.**

The codes and standards referenced in this code shall be those that are listed in Chapter 8 and considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.7.1 and 102.7.2.

**Exception:** Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.

**[A] 102.7.1 Conflicts.**

Where conflicts occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

**[A] 102.7.2 Provisions in referenced codes and standards.**

Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

**[A] 102.8 Requirements not covered by code.**

Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the *code official*.

**[A] 102.9 Application of references.**

References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

**[A] 102.10 Other laws.**

The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

**PART 2 — ADMINISTRATION AND ENFORCEMENT**

**SECTION 103  
DEPARTMENT OF PROPERTY MAINTENANCE  
INSPECTION**

**[A] 103.1 General.**

~~The department of property maintenance inspection is hereby created and the executive official in charge thereof shall be known as the code official.~~ ***The Authority for the enforcement of this Code shall rest with the Code Officials of the City of Reading.***

**[A] 103.2 Appointment.**

~~The code official shall be appointed by the chief appointing authority of the jurisdiction~~ **hired, appointed or retained in accordance with the City of Reading Codified Ordinances.**

**[A] 103.3 Deputies.**

In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the *code official* shall have the authority to appoint a deputy(s). Such employees shall have powers as delegated by the *code official*.

**[A] 103.4 Liability.**

The *code official*, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The *code official* or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

**[A] 103.5 Fees.**

~~The fees for activities and services performed by the department Property Maintenance Division in carrying out its responsibilities under this code shall be as indicated in the following schedule~~ ***shall be in accordance with the fee schedule duly adopted by Ordinance by the City.***

***103.6 Conflicts of interests. An official or employee connected with the enforcement of this code, except one whose only connection is that of a member of the board of appeals established under provisions of Section 111, shall not be engaged in, or directly or indirectly connected with, the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of construction documents thereof, unless that person is the owner of the building; nor shall such officer or employee engage in any work that conflicts with official duties or interests of the department.***

## SECTION 104 DUTIES AND POWERS OF THE CODE OFFICIAL

### **[A] 104.1 General.**

The *code official* is hereby authorized and directed to enforce the provisions of this code. The *code official* shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

### **[A] 104.2 Inspections.**

The *code official* shall make all of the required inspections, or shall accept reports of inspection by *approved* agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such *approved* agency or by the responsible individual. The *code official* is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

### **[A] 104.3 Right of entry.**

Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the *code official* has reasonable cause to believe that there exists in a *structure* or upon a *premises* a condition in violation of this code, the *code official* is authorized to enter the structure or *premises* at reasonable times to inspect or perform the duties imposed by this code, provided that if such *structure* or *premises* is occupied the *code official* shall present credentials to the *occupant* and request entry. If such structure or *premises* is unoccupied, the *code official* shall first make a reasonable effort to locate the *owner* or other person having charge or control of the *structure* or *premises* and request entry. If entry is refused, the *code official* shall have recourse to the remedies provided by law to secure entry.

### **[A] 104.4 Identification.**

The *code official* shall carry proper identification when inspecting *structures* or *premises* in the performance of duties under this code.

***104.4.1 Refusal of entry. If any owner, occupant or other person in charge of a structure subject to the provision of this Code refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to every part of the structure or premises where inspection authorized by this Code is sought, the administrative authority may promptly apply for a search or inspection warrant to a court of competent jurisdiction and shall supply all necessary affidavits and testimony to indicate that there is a reasonable or probable cause to conduct an inspection. For the purpose of this Section, a reasonable or probable cause to gain access for an inspection shall include without being limited to the following:***

- 1. That the inspection of the area is part of a planned routine inspection being conducted pursuant to a systematic or concentrated code enforcement program in that portion of the City; or***
- 2. That the Codes Director after investigation or upon information received has knowledge, information or a reasonable belief that a violation of this code or other codes and ordinances of the City exist; or***
- 3. That such entry is for the purpose of inspecting a previous notice of violation; or***
- 4. That the Codes Director and/or Department of Codes Services has received a complaint concerning a violation on or within the premises; or***
- 5. That such entry is necessary to determine if the building, structure, premises, dwelling or dwelling units meet the standards of this code and building, fire, and health codes and for the safety and welfare of the public.***

***104.4.2 Right of entry by owner. Every occupant of a dwelling unit, building, structure or premises shall give the owner thereof, or his agent or employee access to any part of such dwelling, dwelling unit, building, structure or premises, at all reasonable times for the purpose of conducting inspections to determine whether or not violation of the code may exist, or for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this code or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this code.***

***104.4.3 Notification to tenants. Every owner of a dwelling unit, building, structure or premises shall give the tenants thereof notice of an inspection and obtain their authorization to grant a code official entry to their unit. If the tenant(s) object(s) to entry by the code official, the owner shall so notify the code official.***

**[A] 104.5 Notices and orders.**

The *code official* shall issue all necessary notices or orders to ensure compliance with this code.

**[A] 104.6 Department records.**

The *code official* shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records.

***104.7 Rule making authority. The code official or his/her designee shall have authority as necessary in the interest of public health, safety, and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety.***

***104.8 Coordination of inspections. Whenever in the enforcement of this code or another code or ordinance the responsibility of more than one code official of the jurisdiction is involved, it shall be the duty of the code officials involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors or multiple or conflicting orders. Whenever an inspector from any agency or department observes an apparent or actual violation of some provision of some law, ordinance or code not within the inspector's authority to enforce, the inspector shall report the findings to the code official having jurisdiction.***

***104.9 Compliance. If upon any inspection the codes official determines that the violations are corrected in compliance with the provisions of this code he/she shall note this determination in the file together with the date of such inspection.***

## **SECTION 105 APPROVAL**

**[A] 105.1 Modifications.**

Whenever there are practical difficulties involved in carrying out the provisions of this code, the *code official* shall have the authority to grant modifications for individual cases upon application of the *owner* or *owner's* representative, provided the *code official* shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

**[A] 105.2 Alternative materials, methods and equipment.**

The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. An alternative material or method of construction shall be *approved* where the *code official* finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

**[A] 105.3 Required testing.**

Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the *code official* shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.

**[A] 105.3.1 Test methods.**

Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the *code official* shall be permitted to approve appropriate testing procedures performed by an *approved* agency.

**[A] 105.3.2 Test reports.**

Reports of tests shall be retained by the *code official* for the period required for retention of public records.

**[A] 105.4 Used material and equipment.**

The use of used materials which meet the requirements of this code for new materials is permitted. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and *approved* by the *code official*.

**[A] 105.5 Approved materials and equipment.**

Materials, equipment and devices *approved* by the *code official* shall be constructed and installed in accordance with such approval.

**[A] 105.6 Research reports.**

Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from *approved* sources.

## **SECTION 106 VIOLATIONS**

**[A] 106.1 Unlawful acts.**

It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

**[A] 106.2 Notice of violation.**

The *code official* shall serve a notice of violation or order in accordance with Section 107.

**[A] 106.3 Prosecution of violation.**

Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a ~~misdemeanor or civil infraction as determined by the local municipality,~~ **summary offense and the violation shall be deemed a strict liability offense.** If the notice of violation is not complied with, the *code official* shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful *occupancy* of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any

action taken by the authority having jurisdiction on such *premises* shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

**[A] 106.4 Violation penalties.**

Any person who shall violate a provision of this code, ~~or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws.~~ ***shall upon conviction thereof in a summary proceeding be sentenced to pay a fine in accordance with the fee schedule duly adopted by the City of Reading. Each day that a violation continues after due notice has been served shall be deemed a separate offense.***

***106.4.1 Neighborhood mitigation penalty. In addition to the foregoing fines, fees, penalties and/or restitution in PM 106.4, upon conviction of any violation of a provision of this code, an additional Neighborhood Mitigation Penalty (NMP) shall be levied in the amount of Twenty-Five Dollars (\$25.00). All such NMPs levied and collected by any division of the unified judicial system existing under Section 1 of Article V of the Pennsylvania Constitution and 42 Pa.C.S.A. §301, shall be remitted to the City of Reading for deposit into the Neighborhood Mitigation Fund for the purpose of funding mitigation exercises performed by the City on private properties, including but not limited to demolitions, clean-ups, light repairs, abandoned vehicle towing, removal of trash and/or cutting of grass and weeds, etc. If any fine is paid on installments, the proportionate amount of the NMP shall be remitted on each installment.***

**[A] 106.5 Abatement of violation.**

The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal *occupancy* of a building, structure or *premises*, or to stop an illegal act, conduct, business or utilization of the building, structure or *premises*.

***106.6 Extensions. Upon application, an extension of time beyond that given on the Correction Order to bring the violations set forth on the Inspection into compliance with this code may be granted for a reasonable cause. An application for extension shall include:***

- (a) Name, address and phone number of applicant***
- (b) Address of property referenced on Correction Order***
- (c) Violation(s) referenced on Correction Order for which an extension is being requested, and***
- (d) Payment of the applicable fee in accordance with the City of Reading Fee Schedule.***

## **SECTION 107 NOTICES AND ORDERS**

**[A] 107.1 Notice to person responsible.**

Whenever the *code official* determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 107.2 and 107.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 108.3.

***EXCEPTIONS:***

- 1. Open and Unsecure. Notice is not required whenever a property is open and unsecure and the code official has determined that the property shall be secured.***

***The code official may order the structure secured.***

**2. *Administrative Fee. Whenever an Administrative Fee is due under this Ordinance, the bill therefore shall be the Notice.***

**3. *Transfer of Property. Notice shall not be required for violation of Section 107.5***

**[A] 107.2 Form.**

Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the *dwelling unit* or structure into compliance with the provisions of this code.
5. Inform the property owner of the right to appeal ***as per Section 111.1.***
6. Include a statement of the right to file a lien in accordance with Section 106.3.

**[A] 107.3 Method of service.**

Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified/first-class mail or email addressed to the last known address; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.
4. Service upon any executive officer of a corporation shall be a sufficient, but not the exclusive method of service upon the corporation. Service upon any partner of a partnership shall be a sufficient but not the exclusive method of service upon the partnership.

**[A] 107.4 Unauthorized tampering.**

Signs, tags or seals posted or affixed by the *code official* shall not be mutilated, destroyed or tampered with, or removed without authorization from the *code official*.

**[A] 107.5 Penalties.**

Penalties for noncompliance with orders and notices shall be as set forth in Section 106.4.

**[A] 107.6 Transfer of ownership.**

It shall be unlawful for the *owner* of any *dwelling unit* or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such *dwelling unit* or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such *owner* shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the *code official* and shall furnish to the *code official* a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation. ***Failure to do so will be considered an offense of this code***

## SECTION 108 UNSAFE STRUCTURES AND EQUIPMENT

### **[A] 108.1 General.**

When a structure or equipment is found by the *code official* to be unsafe, or when a structure is found unfit for human *occupancy*, or is found unlawful, such structure shall be *condemned* pursuant to the provisions of this code.

#### **[A] 108.1.1 Unsafe structures.**

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the *occupants* of the structure by not providing minimum safeguards to protect or warn *occupants* in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

#### **[A] 108.1.2 Unsafe equipment.**

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the *premises* or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or *occupants* of the *premises* or structure.

#### **[A] 108.1.3 Structure unfit for human occupancy.**

A structure is unfit for human *occupancy* whenever the *code official* finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks *ventilation*, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the *occupants* of the structure or to the public.

##### ***108.1.3.1 Blighted property and public nuisance.***

#### **Definitions.**

***For the purpose of this Part, all words used in present tense include the future tense. All words in the plural number include the singular number and all words in the singular number include the plural number, unless the natural construction of the word clearly indicates otherwise. The word "shall" is mandatory and not discretionary. The word "used" includes designated, intended, built, or arranged to be used.***

#### **A. Single Property. Blighted property shall include:**

***(1) Any premises which because of physical condition or use is regarded as a public nuisance at common law, or has been declared a public nuisance in accordance with the local housing, building, plumbing, fire and related codes.***

***(2) Any premises which because of physical condition, use or occupancy is considered an attractive nuisance to children, including but not limited to abandoned wells, shafts, basements, excavations, and unsafe fences or structures.***

***(3) Any dwelling which because of its dilapidated, unsanitary, unsafe, vermin-infested or lacking in the facilities and equipment required by the housing or building codes of the municipality, has been designated by the department responsible for enforcement of the code as unfit for human habitation.***

***(4) Any structure which is a fire hazard, or is otherwise dangerous to the safety of persons***



or property.

**(5) Any structure from which utilities, plumbing, heating, sewerage or other facilities have been disconnected, destroyed, removed, or rendered ineffective so that the property is unfit for its intended use.**

**(6) Any vacant or unimproved lot or parcel of ground in a predominantly built-up neighborhood, which by reason of neglect or lack of maintenance has become a place for accumulation of trash and debris, or a haven for rodents or other vermin.**

**(7) Any unoccupied property which has been tax delinquent for a period of 2 years prior to the effective date of this act, and those in the future having a 2-year tax delinquency.**

**(8) Any property which is vacant, but not tax delinquent, and which has not been rehabilitated within one year of the receipt of notice to rehabilitate from the appropriate code enforcement agency.**

**(9) Any abandoned property. A property shall be considered abandoned if:**

**(a) It is a vacant or unimproved lot or parcel of ground on which a municipal lien for the cost of demolition of any structure located on the property remains unpaid for a period of 6 months;**

**(b) It is a vacant property or vacant or unimproved lot or parcel of ground on which the total of municipal liens on the property for tax or any other type of claim of the municipality are in excess of 150% of the fair market value of the property as established by any body with legal authority to determine the taxable value of the property; or**

**(c) The property has been declared abandoned by the owner, including, an estate that is in possession of the property.**

**(10) A property which has defective or unusual conditions of title or no known owners, rendering title unmarketable.**

**(11) A property which has environmentally hazardous conditions, solid waste pollution or contamination in a building or on the land which poses a direct and immediate threat to the health, safety and welfare of the community.**

**(12) A property having three or more of the following characteristics:**

**(a) has unsafe or hazardous conditions that do not meet current use, occupancy or fire codes;**

**(b) has unsafe external and internal accessways;**

**(c) is being served by an unsafe public street or right-of-way;**

**(d) violates the applicable property maintenance code adopted by a municipality and is an immediate threat to public health and safety;**

**(e) is vacant;**

**(f) is located in a redevelopment area with a density of at least 1,000 people per square mile or a redevelopment area with more than 90% of the units of property being nonresidential or a municipality with a density of at least 2,500 people per square mile.**

**B. Multiple Properties. Blighted Property shall include:**

**1. A majority of the units of property meet any of the requirements under subsection (a) and represent a majority of the geographical area; or**

**2. Properties representing a majority of the geographical area meet one or more of the conditions set forth in subsection (a) (1) through (11) or satisfy the conditions of subsection (a) (12) that are necessary for a declaration of blight under subsection**

***(a) and at least one-third of the units of property meet two or more of the requirements under subsection (a) (1) through (11) or satisfy the conditions of subsection (a) (12) and one or more of the requirements under subsections (a)(1) through (11).***

**[A] 108.1.4 Unlawful structure.**

***An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law-Ordinance .***

**[A] 108.1.5 Dangerous structure or premises.**

For the purpose of this code, any structure or *premises* that has any or all of the conditions or defects described below shall be considered dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the *approved* building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, *deterioration*, *neglect*, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become *detached* or dislodged.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so *anchored*, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
5. The building or structure, or part of the building or structure, because of dilapidation, *deterioration*, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
6. The building or structure, or any portion thereof, is clearly unsafe for its use and *occupancy*.
7. The building or structure is *neglected*, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the *approved* building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, *ventilation*, mechanical or plumbing system, or otherwise, is determined by the *code official* to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the *code official* to be a threat to life or health.
11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

**[A] 108.2 Closing of vacant structures.**

If the structure is vacant, ***open and unsecure***, and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises ~~and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the~~ premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

**[A] 108.2.1 Authority to disconnect service utilities.**

The *code official* shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 102.7 in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The *code official* shall notify the serving utility and, whenever possible, the *owner* and *occupant* of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the *owner* or *occupant* of the building structure or service system shall be notified in writing as soon as practical thereafter. ***Service utilities shall be discontinued in vacant buildings except any required for Fire Protection Systems.***

**[A] 108.3 Notice.**

Whenever the *code official* has *condemned* a structure or equipment under the provisions of this section, ***a placard*** notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the *owner* or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall also be placed on the *condemned* equipment. The notice shall be in the form prescribed in Section 107.2.

**[A] 108.4 Placarding.**

Upon failure of the *owner* or person responsible to comply with the notice provisions within the time given, the *code official* shall post on the *premises* or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the *premises*, operating the equipment or removing the placard.

**[A] 108.4.1 Placard removal.**

The *code official* shall remove the condemnation placard whenever, ***upon inspection***, the defect or defects upon which the ~~condemnation and placarding placard~~ were was based have been eliminated ***and with the receipt of payment in accordance with the fee schedule duly adopted by the City of Reading.*** Any person who defaces or removes a condemnation placard without the approval of the *code official* shall be subject to the penalties provided by this code.

**[A] 108.5 Prohibited occupancy.**

Any occupied structure *condemned* and placarded by the *code official* shall be vacated as ordered by the *code official*. Any person who shall occupy a placarded *premises* or shall operate placarded equipment, and any *owner* or any person responsible for the *premises* who shall let anyone occupy a placarded *premises* or operate placarded equipment shall be liable for the penalties provided by this code.

**[A] 108.6 Abatement methods.**

The *owner, operator or occupant* of a building, *premises* or equipment deemed unsafe by the *code official* shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other *approved* corrective action.

**[A] 108.7 Record.**

The *code official* shall cause a report to be filed on an unsafe condition. The report shall state the *occupancy* of the structure and the nature of the unsafe condition.

## **SECTION 109 EMERGENCY MEASURES**

**[A] 109.1 Imminent danger.**

When, in the opinion of the *code official*, there is *imminent danger* of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building *occupants* or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the *code official* is hereby authorized and empowered to order and require the *occupants* to vacate the *premises* forthwith. The *code official* shall cause to be posted at each entrance to such structure a notice reading as follows: "This *Structure* Is Unsafe and Its *Occupancy* Has Been Prohibited by the *Code Official*." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

**[A] 109.2 Temporary safeguards.**

Notwithstanding other provisions of this code, whenever, in the opinion of the *code official*, there is *imminent danger* due to an unsafe condition, the *code official* shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the *code official* deems necessary to meet such emergency.

**[A] 109.3 Closing streets.**

When necessary for public safety, the *code official* shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, *public ways* and places adjacent to unsafe structures, and prohibit the same from being utilized.

**[A] 109.4 Emergency repairs.**

For the purposes of this section, the *code official* shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

**[A] 109.5 Costs of emergency repairs.**

Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the *owner* of the *premises* where the unsafe structure is or was located for the recovery of such costs.

**[A] 109.6 Hearing.**

Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

## **SECTION 110 DEMOLITION**

**[A] 110.1 General.**

~~The code official shall order the owner of any premises upon which is located any structure, which in the code official judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary, or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the code official shall order the owner to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the building official.~~ ***Demolition shall be in accordance with the Pennsylvania Uniform Construction Code as adopted by the City of Reading.***

~~**110.2 notices and orders. All notices and orders shall comply with Section 107.**~~

~~**110.3 Failure to comply. If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the costs such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.**~~

**[A] 110.2 Salvage materials.**

When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state. ***codes official shall notify the Artifacts Bank of the City which may offer a bid on any materials of value contained in said structure. The City shall, after consideration, accept or deny the aforesaid Artifact Bank's bid.***

**SECTION 111  
MEANS OF APPEAL**

**[A] 111.1 Application for appeal.**

Any person directly affected by a decision of the *code official* or a notice or order issued under this code, ***including an emergency order requiring immediate evacuation of all occupants that is issued under this code***, shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means, ***except that an appeal of an emergency order requiring evacuation shall be based on a claim that there is no competent evidence that a true threat to safety existed during any period that any occupants were required to vacate their dwelling.***

**[A] 111.2 Membership of board.**

The board of appeals shall consist of a minimum of three members who are qualified by experience and training to pass on matters pertaining to property maintenance, ***building and trades and fire prevention*** and who are not employees of the jurisdiction. The *code official* shall be an ex-officio member but shall have no vote on any matter before the board. The board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms.

**[A] 111.2.1 Alternate members.**

The chief appointing authority shall appoint a minimum of two alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership.

**[A] 111.2.2 Chairman.**

The board shall annually select one of its members to serve as chairman.

**[A] 111.2.3 Disqualification of member.**

A member shall not hear an appeal in which that member has a personal, professional or financial interest.

**[A] 111.2.4 Secretary.**

The chief administrative officer shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

**[A] 111.2.5 Compensation of members.**

Compensation of members shall be determined by law.

**[A] 111.3 Notice of meeting.**

The board shall meet upon notice from the chairman, within 20 days of the filing of an appeal, or at stated periodic meetings.

**[A] 111.4 Open hearing.**

All hearings before the board shall be open to the public. The appellant, the appellant's representative, the *code official* and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of a minimum of two-thirds of the board membership.

**[A] 111.4.1 Procedure.**

The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

**[A] 111.5 Postponed hearing.**

When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

**[A] 111.6 Board decision.**

The board shall modify or reverse the decision of the *code official* only by a concurring vote of a majority of the total number of appointed board members.

**[A] 111.6.1 Records and copies.**

The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the *code official*.

**[A] 111.6.2 Administration.**

The *code official* shall take immediate action in accordance with the decision of the board.

**[A] 111.7 Court review.**

Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

**[A] 111.8 Stays of enforcement.**

Appeals of notice and orders (other than *Imminent Danger* notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

## SECTION 112 STOP WORK ORDER

### **[A] 112.1 Authority.**

~~Whenever the code official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the code official is authorized to issue a stop work order.~~ ***Stop work orders shall be governed by the Pennsylvania Uniform Construction Code as adopted by the City of Reading.***

**[A] 112.2 Issuance.** ~~A stop work order shall be in writing and shall be given to the owner of the property, to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.~~

**[A] 112.3 Emergencies.** ~~Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work.~~

**[A] 112.4 Failure to comply.** ~~Any person who shall continue any work after having been served with a stop order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine not less than [amount] dollars or more than [amount] dollars.~~

# CHAPTER 2

## DEFINITIONS

### SECTION 201

#### GENERAL

##### **201.1 Scope.**

Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

##### **201.2 Interchangeability.**

Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

##### **201.3 Terms defined in other codes.**

Where terms are not defined in this code and are defined in the *International Building Code*, *International Existing Building Code*, *International Fire Code*, *International Fuel Gas Code*, *International Mechanical Code*, *International Plumbing Code*, *International Residential Code*, *International Zoning Code* or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.

##### **201.4 Terms not defined.**

Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

##### **201.5 Parts.**

Whenever the words “*dwelling unit*,” “*dwelling*,” “*premises*,” “*building*,” “*rooming house*,” “*rooming unit*,” “*housekeeping unit*” or “*story*” are stated in this code, they shall be construed as though they were followed by the words “or any part thereof.”

### SECTION 202

#### GENERAL DEFINITIONS

**ACCESSORY STRUCTURE.** *A building which is incidental to that of the main building and which is located on the same lot.*

**ANCHORED.** Secured in a manner that provides positive connection.

**[A] APPROVED.** *Approved by the code official.*

**BASEMENT.** That portion of a building which is partly or completely below grade.

**BATHROOM.** A room containing plumbing fixtures including a bathtub or shower.

**BEDROOM.** Any room or space used or intended to be used for sleeping purposes in either a dwelling or *sleeping unit*.

**[A] CODE OFFICIAL.** The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

**CONDEMN.** To adjudge unfit for *occupancy*.



**DETACHED.** When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

**DETERIORATION.** To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

**[B] DWELLING UNIT.** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**[Z] EASEMENT.** That portion of land or property reserved for present or future use by a person or agency other than the legal fee *owner(s)* of the property. The *easement* shall be permitted to be for use under, on or above a said lot or lots.

**EQUIPMENT SUPPORT.** Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

**EXTERIOR PROPERTY.** The open space on the *premises* and on adjoining property under the control of *owners* or *operators* of such *premises*.

**EXTERMINATION.** *The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods*

**GARBAGE.** The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

**[B] GUARD.** A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

**[B] HABITABLE SPACE.** Space in a structure for living, sleeping, eating or cooking. *Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.*

**HEATING FACILITY.** *A fixed, non portable heating equipment or unit.*

**HOTEL.** *Any building containing six or more guestrooms, intended or designed to be used, or which are used, rented or hire out to be occupied or which are occupied for sleeping purposes of guests.*

**HOUSEKEEPING UNIT.** A room or group of rooms forming a single *habitable space* equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

**IMMINENT DANGER.** A condition which could cause serious or life-threatening injury or death at any time.

**INFESTATION.** The presence, within or contiguous to, a structure or *premises* of insects, rats, vermin or other pests.

**INOPERABLE MOTOR VEHICLE.** A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

**[A] LABELED.** Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization

concerned with product evaluation that maintains periodic inspection of the production of the above-*labeled* items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

**LAVORATORY.** *A fixed washbowl with running water and drainpipe (sink).*

**LET FOR OCCUPANCY or LET.** To permit, provide or offer possession or *occupancy* of a dwelling, *dwelling unit, rooming unit*, building, premise or structure by a person who is or is not the legal *owner* of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

**MIXED-USE PROPERTY.** *A building occupied for two or more uses not included in the same use group.*

**MOTEL.** *An establishment of attached rental bedroom units with individual entrances from the exterior of the building to each unit, operated as a business for the purpose of providing lodging to transient guests.*

**NEGLECT.** The lack of proper maintenance for a building or *structure*.

**[A] OCCUPANCY.** The purpose for which a building or portion thereof is utilized or occupied.

**OCCUPANT.** Any individual living or sleeping in a building, or having possession of a space within a building.

**OPENABLE AREA.** That part of a window, skylight or door which is available for unobstructed *ventilation* and which opens directly to the outdoors.

**OPERATOR.** Any person who has charge, care or control of a structure or *premises* which is let or offered for *occupancy*.

**[A] OWNER.** Any person, agent, *operator*, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

**PERSON.** An individual, corporation, partnership or any other group acting as a unit.

**PEST ELIMINATION.** The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other *approved pest elimination* methods.

**PLUMBING.** *Refers to water pipes, waste pipes, water closets, sinks, installed dishwashers, lavatories, bath tubs, shower baths, installed clothes washing machines, catch basins, drains, garbage disposal units, as well as gas pipes, and gas burning equipment, water heating facilities and vents and other similar supply fixtures, together with all connections to water, sewer and gas lines.*

**[A] PREMISES.** A lot, plot or parcel of land, *easement* or *public way*, including any structures thereon.

**[A] PUBLIC WAY.** Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

**ROOMING HOUSE.** A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

**ROOMING UNIT.** Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

**RUBBISH.** Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, *yard* trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

**[B] SLEEPING UNIT.** A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a *dwelling unit* are not *sleeping units*.

**STRICT LIABILITY OFFENSE.** An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

**[A] STRUCTURE.** That which is built or constructed or a portion thereof.

**TENANT.** A person, corporation, partnership or group, whether or not the legal *owner* of record, occupying a building or portion thereof as a unit.

**TOILET ROOM.** A room containing a water closet or urinal but not a bathtub or shower.

**ULTIMATE DEFORMATION.** The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

**[M] VENTILATION.** The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

**WATER CLOSET.** *A compartment or room for defecation and urination into a toilet bowl.*

**WORKMANLIKE.** Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

**[Z] YARD.** An open space on the same lot with a structure.

## **CHAPTER 3 GENERAL REQUIREMENTS**

### **SECTION 301 GENERAL**

#### **301.1 Scope.**

The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and *exterior property*.

#### **301.2 Responsibility.**

The *owner* of the *premises* shall maintain the structures and *exterior property* in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy *premises* which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. *Occupants* of a *dwelling unit*, *rooming unit* or *housekeeping unit* are responsible for keeping in a clean, sanitary and safe condition that part of the *dwelling unit*, *rooming unit*, *housekeeping unit* or *premises* which they occupy and control.

#### **301.3 Vacant structures and land.**

All vacant structures and *premises* thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

***301.3.1 Exterior conditions. The exterior of every vacant structure or accessory structure shall be maintained free of broken windows, loose or deteriorating shingles, siding or decorative features or building materials, crumbling stone or brick, or excessive peeling paint.***

***301.4 Compliance with other ordinance. Every owner of every dwelling, in addition to the provisions set forth herein, shall comply with the provisions (sections) of all other applicable city Ordinances, including but not limited to the Solid Waste Ordinance, Health Ordinance and acceptable engineering principles and practices regarding their property.***

## SECTION 302 EXTERIOR PROPERTY AREAS

### 302.1 Sanitation.

All *exterior property* and *premises* shall be maintained in a clean, safe and sanitary condition. The *occupant* shall keep that part of the *exterior property* which such *occupant* occupies or controls in a clean and sanitary condition.

### 302.2 Grading and drainage.

All *premises* shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

**Exception:** *Approved* retention areas and reservoirs.

### 302.3 Sidewalks and driveways.

All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

### 302.4 Weeds.

All *premises* and *exterior property* shall be maintained free from weeds or plant growth ***in excess of six (6) inches (152.4 mm)***. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the *owner* or agent responsible for the property.

### 302.5 Rodent harborage.

All structures and *exterior property* shall be kept free from rodent harborage and *infestation*. Where rodents are found, they shall be promptly exterminated by *approved* processes which will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

### 302.6 Exhaust vents.

Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another *tenant*.

### 302.7 Accessory structures.

All accessory structures, including *detached* garages, fences and walls, shall be maintained structurally sound and in good repair.

### 302.8 Motor vehicles.

Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any *premises*, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an *approved* spray booth.

**Exception:** A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and *approved* for such purposes.

### **302.9 Defacement of property.**

No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the *owner* to restore said surface to an *approved* state of maintenance and repair.

**302.10 Trees.** *All trees shall be maintained such that they do not cause any adverse conditions resulting in any dangerous condition as determined by the code official.*

## **SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS**

### **303.1 Swimming pools.**

Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

### **303.2 Enclosures.**

Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is a minimum of 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

**Exception:** Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

## **SECTION 304 EXTERIOR STRUCTURE**

### **304.1 General.**

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

#### **304.1.1 Unsafe conditions.**

The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings ***in accordance with the Uniform Construction Code as adopted by the City of Reading as adopted and amended by the Commonwealth of Pennsylvania:***

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The *anchorage* of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;

5. Structural members that have evidence of *deterioration* or that are not capable of safely supporting all nominal loads and load effects;
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
7. Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of *deterioration*, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of *deterioration* or fatigue, are not properly *anchored* or are incapable of supporting all nominal loads and resisting all load effects;
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including *guards* and handrails, are not structurally sound, not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects; or
13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly *anchored*, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

**Exceptions:**

1. When substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted when *approved* by the *code official*.

**304.2 Protective treatment.**

All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

**[F] 304.3 Premises identification.**

Buildings shall have *approved* address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm).

**304.4 Structural members.**

All structural members shall be maintained free from *deterioration*, and shall be capable of safely supporting the imposed dead and live loads.

**304.5 Foundation walls.**

All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

**304.6 Exterior walls.**

All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent *deterioration*.

**304.7 Roofs and drainage.**

The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or *deterioration* in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

**304.8 Decorative features.**

All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

**304.9 Overhang extensions.**

All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly *anchored* so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

**304.10 Stairways, decks, porches and balconies.**

Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

**304.11 Chimneys and towers.**

All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

**304.12 Handrails and guards.**

Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

**304.13 Window, skylight and door frames.**

Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

**304.13.1 Glazing.**

All glazing materials shall be maintained free from cracks and holes.



### **304.13.2 Openable windows.**

Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

### **304.14 Insect screens.**

During the period from **1 May to 30 September**, every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

**Exception:** Screens shall not be required where other *approved* means, such as air curtains or insect repellent fans, are employed.

### **304.15 Doors.**

All exterior doors, door assemblies, operator systems if provided, and hardware shall be ***approved exterior grade doors, assemblies and hardware*** and maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

### **304.16 Basement hatchways.**

Every *basement* hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

### **304.17 Guards for basement windows.**

Every *basement* window that is openable shall be supplied with rodent shields, storm windows or other *approved* protection against the entry of rodents.

### **304.18 Building security.**

Doors, windows or hatchways for *dwelling units*, room units or *housekeeping units* shall be provided with devices designed to provide security for the *occupants* and property within.

#### **304.18.1 Doors.**

Doors providing access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

#### **304.18.2 Windows.**

Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a window sash locking device.

#### **304.18.3 Basement hatchways.**

*Basement* hatchways that provide access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

### **304.19 Gates.**

All exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

## SECTION 305 INTERIOR STRUCTURE

### 305.1 General.

The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. *Occupants* shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every *owner* of a structure containing a *rooming house*, *housekeeping units*, a hotel, a dormitory, two or more *dwelling units* or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and *exterior property*.

#### 305.1.1 Unsafe conditions.

The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Structural members are incapable of supporting nominal loads and load effects;
5. Stairs, landings, balconies and all similar walking surfaces, including *guards* and handrails, are not structurally sound, not properly *anchored* or are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.

#### Exceptions:

1. When substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted when *approved* by the *code official*.

### 305.2 Structural members.

All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

### 305.3 Interior surfaces.

All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

### 305.4 Stairs and walking surfaces.

Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

### 305.5 Handrails and guards.

Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

### **305.6 Interior doors.**

Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

## **SECTION 306 COMPONENT SERVICEABILITY**

### **306.1 General.**

The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

#### **306.1.1 Unsafe conditions.**

Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* as required for existing buildings ***in accord with the Pennsylvania Uniform Construction Code as adopted by the City of Reading:***

1. Soils that have been subjected to any of the following conditions:
  - 1.1. Collapse of footing or foundation system;
  - 1.2. Damage to footing, foundation, concrete or other structural element due to soil expansion;
  - 1.3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;
  - 1.4. Inadequate soil as determined by a geotechnical investigation;
  - 1.5. Where the allowable bearing capacity of the soil is in doubt; or
  - 1.6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.
2. Concrete that has been subjected to any of the following conditions:
  - 2.1. *Deterioration*;
  - 2.2. *Ultimate deformation*;
  - 2.3. Fractures;
  - 2.4. Fissures;
  - 2.5. Spalling;
  - 2.6. Exposed reinforcement; or
  - 2.7. *Detached*, dislodged or failing connections.
3. Aluminum that has been subjected to any of the following conditions:

- 3.1. *Deterioration*;
  - 3.2. Corrosion;
  - 3.3. Elastic deformation;
  - 3.4. *Ultimate deformation*;
  - 3.5. Stress or strain cracks;
  - 3.6. Joint fatigue; or
  - 3.7. *Detached*, dislodged or failing connections.
4. Masonry that has been subjected to any of the following conditions:
- 4.1. *Deterioration*;
  - 4.2. *Ultimate deformation*;
  - 4.3. Fractures in masonry or mortar joints;
  - 4.4. Fissures in masonry or mortar joints;
  - 4.5. Spalling;
  - 4.6. Exposed reinforcement; or
  - 4.7. *Detached*, dislodged or failing connections.
5. Steel that has been subjected to any of the following conditions:
- 5.1. *Deterioration*;
  - 5.2. Elastic deformation;
  - 5.3. *Ultimate deformation*;
  - 5.4. Metal fatigue; or
  - 5.5. *Detached*, dislodged or failing connections.
6. Wood that has been subjected to any of the following conditions:
- 6.1. *Ultimate deformation*;
  - 6.2. *Deterioration*;
  - 6.3. Damage from insects, rodents and other vermin;
  - 6.4. Fire damage beyond charring;
  - 6.5. Significant splits and checks;

- 6.6. Horizontal shear cracks;
- 6.7. Vertical shear cracks;
- 6.8. Inadequate support;
- 6.9. *Detached*, dislodged or failing connections; or
- 6.10. Excessive cutting and notching.

**Exceptions:**

- 1. When substantiated otherwise by an *approved* method.
- 2. Demolition of unsafe conditions shall be permitted when *approved* by the *code official*.

## **SECTION 307 HANDRAILS AND GUARDRAILS**

**307.1 General.**

Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have *guards*. Handrails shall not be less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. *Guards* shall not be less than 30 inches (762 mm) in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

**Exception:** *Guards* shall not be required where exempted by the adopted building code.

## **SECTION 308 RUBBISH AND GARBAGE**

**308.1 Accumulation of rubbish or garbage.**

All *exterior property* and *premises*, and the interior of every structure, shall be free from any accumulation of *rubbish* or garbage.

**308.2 Disposal of rubbish.**

Every *occupant* of a structure shall dispose of all *rubbish* in a clean and sanitary manner by placing such *rubbish* in *approved* containers.

**308.2.1 Rubbish storage facilities.**

The *owner* of every occupied *premises* shall supply *approved* covered containers for *rubbish*, and the *owner* of the *premises* shall be responsible for the removal of *rubbish*.

**308.2.2 Refrigerators.**

Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on *premises* without first removing the doors.

### **308.3 Disposal of garbage.**

Every *occupant* of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an *approved* garbage disposal facility or *approved* garbage containers.

#### **308.3.1 Garbage facilities.**

The *owner* of every dwelling shall supply one of the following: an *approved* mechanical food waste grinder in each *dwelling unit*; an *approved* incinerator unit in the structure available to the *occupants* in each *dwelling unit*; or an *approved* leakproof, covered, outside garbage container.

#### **308.3.2 Containers.**

The *operator* of every establishment producing garbage shall provide, and at all times cause to be utilized, *approved* leakproof containers provided with close-fitting covers for the storage of such materials until removed from the *premises* for disposal.

***308.3.3 Storage, collection and removal. It shall be the responsibility of the owner of all residential, commercial and industrial establishments to ensure that the municipal waste from his or her properties is removed properly and in such a manner not to create a public nuisance.***

***308.3.4 Recyclables. It shall be the responsibility of the owner of all residential, commercial and industrial establishments to ensure storage, collection and disposal of all recyclables from his or her property and in such a manner not to create a public nuisance.***

***308.4 Solid Waste Ordinance. Every owner of every dwelling shall comply with the Solid Waste Ordinance of the City regarding the removal of municipal waste from the property.***

## **SECTION 309 PEST ELIMINATION**

### **309.1 Infestation.**

All structures shall be kept free from insect and rodent *infestation*. All structures in which insects or rodents are found shall be promptly exterminated by *approved* processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation.

### **309.2 Owner.**

The *owner* of any structure may be responsible for pest elimination within the structure prior to renting or leasing the structure.

### **309.3 Single occupant.**

The *occupant* of a one-family dwelling or of a single-*tenant* nonresidential structure shall be responsible for pest elimination on the *premises*.

### **309.4 Multiple occupancy.**

The *owner* of a structure containing two or more *dwelling units*, a multiple *occupancy*, a *rooming house* or a nonresidential structure shall be responsible for pest elimination in the public or shared areas of the structure and *exterior property*. If *infestation* is caused by failure of an *occupant* to prevent such *infestation* in the area occupied, the *occupant* and *owner* shall be responsible for pest elimination.

### **309.5 Occupant.**

The *occupant* of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

**Exception:** Where the *infestations* are caused by defects in the structure, the *owner* shall be responsible for pest elimination.

**SECTION 310  
KITCHEN FACILITIES**

***310.1 Kitchen stove. The landlord shall provide utility connections in each dwelling unit containing a room for installed cooking facilities.***

***310.2 Kitchen sink. The landlord shall provide each dwelling unit containing a room for installed facilities with a kitchen sink in good working condition and which provides at all times an adequate amount of heated and unheated running water under pressure.***

***310.3 Refrigerator. The landlord shall provide each dwelling unit where perishable food is kept a utility connection for refrigeration.***

***310.4 Counters and cabinets. Counters, countertops and cabinets shall be maintained in good repair.***

# CHAPTER 4

## LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

### SECTION 401 GENERAL

#### 401.1 Scope.

The provisions of this chapter shall govern the minimum conditions and standards for light, *ventilation* and space for occupying a structure.

#### 401.2 Responsibility.

The *owner* of the structure shall provide and maintain light, *ventilation* and space conditions in compliance with these requirements. A person shall not occupy as *owner-occupant*, or permit another person to occupy, any *premises* that do not comply with the requirements of this chapter.

#### 401.3 Alternative devices.

In lieu of the means for natural light and *ventilation* herein prescribed, artificial light or mechanical *ventilation* complying with the *International Building Code* shall be permitted.

### SECTION 402 LIGHT

#### 402.1 Habitable spaces.

Every *habitable space* shall have at least one window of *approved* size facing directly to the outdoors or to a court. The minimum total glazed area for every *habitable space* shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

**Exception:** Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but a minimum of 25 square feet (2.33 m<sup>2</sup>). The exterior glazing area shall be based on the total floor area being served.

#### 402.2 Common halls and stairways.

Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m<sup>2</sup>) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 footcandle (11 lux) at floors, landings and treads.

#### 402.3 Other spaces.

All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe *occupancy* of the space and utilization of the appliances, equipment and fixtures.

### SECTION 403 VENTILATION



#### **403.1 Habitable spaces.**

Every *habitable space* shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 402.1.

**Exception:** Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but a minimum of 25 square feet (2.33 m<sup>2</sup>). The *ventilation* openings to the outdoors shall be based on a total floor area being ventilated.

#### **403.2 Bathrooms and toilet rooms.**

Every *bathroom* and *toilet room* shall comply with the *ventilation* requirements for *habitable spaces* as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical *ventilation* system. Air exhausted by a mechanical *ventilation* system from a *bathroom* or *toilet room* shall discharge to the outdoors and shall not be recirculated.

#### **403.3 Cooking facilities.**

Unless *approved* through the certificate of *occupancy*, cooking shall not be permitted in any *rooming unit* or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the *rooming unit* or dormitory unit.

##### **Exceptions:**

1. Where specifically *approved* in writing by the *code official*.
2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

#### **403.4 Process ventilation.**

Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust *ventilation* system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

#### **403.5 Clothes dryer exhaust.**

Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted outside the structure in accordance with the manufacturer's instructions.

**Exception:** Listed and *labeled* condensing (ductless) clothes dryers.

## **SECTION 404 OCCUPANCY LIMITATIONS**

#### **404.1 Privacy.**

*Dwelling units*, hotel units, *housekeeping units*, *rooming units* and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

#### **404.2 Minimum room widths.**

A habitable room, other than a kitchen, shall be a minimum of 7 feet (2134 mm) in any plan dimension. Kitchens shall have a minimum clear passageway of 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

#### **404.3 Minimum ceiling heights.**

*Habitable spaces*, hallways, corridors, laundry areas, *bathrooms*, *toilet rooms* and habitable *basement* areas shall have a minimum clear ceiling height of 7 feet (2134 mm).

##### **Exceptions:**

1. In one- and two-family dwellings, beams or girders spaced a minimum of 4 feet (1219 mm) on center and projecting a maximum of 6 inches (152 mm) below the required ceiling height.
2. *Basement* rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a minimum ceiling height of 6 feet 8 inches (2033 mm) with a minimum clear height of 6 feet 4 inches (1932 mm) under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a minimum clear ceiling height of 7 feet (2134 mm) over a minimum of one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a minimum clear ceiling height of 5 feet (1524 mm) shall be included.

#### **404.4 Bedroom and living room requirements.**

Every *bedroom* and living room shall comply with the requirements of Sections 404.4.1 through 404.4.5.

##### **404.4.1 Room area.**

Every living room shall contain at least 120 square feet ( $11.2\text{ m}^2$ ) and every bedroom shall contain a minimum of 70 square feet ( $6.5\text{ m}^2$ ) and every bedroom occupied by more than one person shall contain a minimum of 50 square feet ( $4.6\text{ m}^2$ ) of floor area for each occupant thereof.

##### **404.4.2 Access from bedrooms.**

*Bedrooms* shall not constitute the only means of access to other *bedrooms* or *habitable spaces* and shall not serve as the only means of egress from other *habitable spaces*.

**Exception:** Units that contain fewer than two *bedrooms*.

##### **404.4.3 Water closet accessibility.**

Every *bedroom* shall have access to at least one water closet and one lavatory without passing through another *bedroom*. Every *bedroom* in a *dwelling unit* shall have access to at least one water closet and lavatory located in the same story as the *bedroom* or an adjacent story.

##### **404.4.4 Prohibited occupancy.**

Kitchens and nonhabitable spaces shall not be used for sleeping purposes. ***Basements shall not be used for sleeping purposes unless they conform to the specifications of this code and the required minimum window area is entirely above the grade of the ground adjoining. The basement and bedroom in the basement shall meet the emergency egress requirements of this code, the International Building Code, the International Existing Building Code, the International Fire Code and the International Residential Code per the Pennsylvania Uniform Construction Code as adopted by the City of Reading as applicable.***

##### **404.4.5 Other requirements.**

*Bedrooms* shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

#### **404.5 Overcrowding.**

Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5.

**TABLE 404.5**  
**MINIMUM AREA REQUIREMENTS**

SPACE	MINIMUM AREA IN SQUARE FEET		
	1-2 occupants	3-5 occupants	6 or more occupants
Living room <sup>a,b</sup>	120	120	150
Dining room <sup>a,b</sup>	No requirement	80	100
Bedrooms	Shall comply with Section 404.4.1		

For SI: 1 square foot = 0.093 m<sup>2</sup>.

- a. See Section 404.5.2 for combined living room/dining room spaces.
- b. See Section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.

#### **404.5.1 Sleeping area.**

The minimum occupancy area required by Table 404.5 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with Section 404.4.

#### **404.5.2 Combined spaces.**

Combined living room and dining room spaces shall comply with the requirements of Table 404.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

#### **404.6 Efficiency unit.**

Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than one occupant shall have a minimum clear floor area of 120 square feet (11.2 m<sup>2</sup>). A unit occupied by not more than two *occupants* shall have a minimum clear floor area of 220 square feet (20.4 m<sup>2</sup>). A unit occupied by three *occupants* shall have a minimum clear floor area of 320 square feet (29.7 m<sup>2</sup>). These required areas shall be exclusive of the areas required by Items 2 and 3.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a minimum clear working space of 30 inches (762 mm) in front. Light and *ventilation* conforming to this code shall be provided.
3. The unit shall be provided with a separate *bathroom* containing a water closet, lavatory and bathtub or shower.
4. The maximum number of *occupants* shall be three.

#### **404.7 Food preparation.**

All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

# CHAPTER 5

## PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

### SECTION 501 GENERAL

#### **501.1 Scope.**

The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

#### **501.2 Responsibility.**

The *owner* of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any structure or *premises* which does not comply with the requirements of this chapter.

### SECTION 502 REQUIRED FACILITIES

#### **[P] 502.1 Dwelling units.**

Every *dwelling unit* shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

#### **[P] 502.2 Rooming houses.**

At least one water closet, lavatory and bathtub or shower shall be supplied for each four *rooming units*.

#### **[P] 502.3 Hotels.**

Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten *occupants*.

#### **[P] 502.4 Employees' facilities.**

A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

##### **[P] 502.4.1 Drinking facilities.**

Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in *toilet rooms* or *bathrooms*.

#### **[P] 502.5 Public toilet facilities.**

Public toilet facilities shall be maintained in a safe sanitary and working condition in accordance with the *International Plumbing Code*. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during *occupancy* of the *premises*.

### SECTION 503 TOILET ROOMS

#### **[P] 503.1 Privacy.**

*Toilet rooms* and *bathrooms* shall provide privacy and shall not constitute the only passageway to a hall or

other space, or to the exterior. A door and interior locking device shall be provided for all common or shared *bathrooms* and *toilet rooms* in a multiple dwelling.

**[P] 503.2 Location.**

*Toilet rooms* and *bathrooms* serving hotel units, *rooming units* or dormitory units or *housekeeping units*, shall have access by traversing a maximum of one flight of stairs and shall have access from a common hall or passageway.

**[P] 503.3 Location of employee toilet facilities.**

Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located a maximum of one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

**Exception:** Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

**[P] 503.4 Floor surface.**

In other than *dwelling units*, every *toilet room* floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

## **SECTION 504 PLUMBING SYSTEMS AND FIXTURES**

**[P] 504.1 General.**

All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

**[P] 504.2 Fixture clearances.**

Plumbing fixtures shall have adequate clearances for usage and cleaning.

**[P] 504.3 Plumbing system hazards.**

Where it is found that a plumbing system in a structure constitutes a hazard to the *occupants* or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, *deterioration* or damage or for similar reasons, the *code official* shall require the defects to be corrected to eliminate the hazard.

## **SECTION 505 WATER SYSTEM**

**505.1 General.**

Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an *approved* private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the *International Plumbing Code*.

**[P] 505.2 Contamination.**

The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an

approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

### **505.3 Supply.**

The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

### **505.4 Water heating facilities.**

Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a minimum temperature of 110°F (43°C). A gas-burning water heater shall not be located in any *bathroom, toilet room, bedroom* or other occupied room normally kept closed, unless adequate combustion air is provided. An *approved* combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

***505.4.1 Prohibition of Water Heaters in the Kitchen. Water heaters shall not exist in the kitchen unless approved by the authority having jurisdiction.***

## **SECTION 506 SANITARY DRAINAGE SYSTEM**

### **[P] 506.1 General.**

All plumbing fixtures shall be properly connected to either a public sewer system or to an *approved* private sewage disposal system.

### **[P] 506.2 Maintenance.**

Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

### **[P] 506.3 Grease interceptors.**

Grease interceptors and automatic grease removal devices shall be maintained in accordance with this code and the manufacturer's installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. All records of maintenance, cleaning and repairs shall be available for inspection by the code official.

## **SECTION 507 STORM DRAINAGE**

### **[P] 507.1 General.**

Drainage of roofs and paved areas, *yards* and courts, and other open areas on the *premises* shall not be discharged in a manner that creates a public nuisance.

# CHAPTER 6

## MECHANICAL AND ELECTRICAL REQUIREMENTS

### SECTION 601 GENERAL

#### 601.1 Scope.

The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

#### 601.2 Responsibility.

The *owner* of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any *premises* which does not comply with the requirements of this chapter.

### SECTION 602 HEATING FACILITIES

#### 602.1 Facilities required.

Heating facilities shall be provided in structures as required by this section.

#### 602.2 Residential occupancies.

Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms* based on the winter outdoor design temperature for the locality indicated in Appendix D of the *International Plumbing Code*. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating.

**Exception:** In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

#### 602.3 Heat supply.

Every *owner* and *operator* of any building who rents, leases or lets one or more *dwelling units* or *sleeping units* on terms, either expressed or implied, to furnish heat to the *occupants* thereof shall supply heat during the period from **1 October to 30 April** to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms*.

#### Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the *International Plumbing Code*.
2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

#### **602.4 Occupiable work spaces.**

Indoor occupiable work spaces shall be supplied with heat during the period from 1 October to 30 April to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

##### **Exceptions:**

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

#### **602.5 Room temperature measurement.**

The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

**602.6 Prohibited Methods of Heating.** Liquid gas type portable heating appliances shall be prohibited except in single-family residential homes. Where these appliances are permitted, all flammable or combustible liquid fuel shall be stored in compliance with the standards set by the Department of Fire Prevention of the City of Reading. Wood burning stoves are prohibited except in single family residential owner occupied homes.

### **SECTION 603 MECHANICAL EQUIPMENT**

#### **603.1 Mechanical appliances.**

All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

#### **603.2 Removal of combustion products.**

All fuel-burning equipment and appliances shall be connected to an *approved* chimney or vent.

**Exception:** Fuel-burning equipment and appliances which are *labeled* for unvented operation.

#### **603.3 Clearances.**

All required clearances to combustible materials shall be maintained.

#### **603.4 Safety controls.**

All safety controls for fuel-burning equipment shall be maintained in effective operation.

#### **603.5 Combustion air.**

A supply of air for complete combustion of the fuel and for *ventilation* of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

#### **603.6 Energy conservation devices.**

Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless *labeled* for such purpose and the installation is specifically *approved*.

### **SECTION 604 ELECTRICAL FACILITIES**



#### **604.1 Facilities required.**

Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

#### **604.2 Service.**

The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70. *Dwelling units* shall be served by a three-wire, 120/240 volt, single-phase electrical service having a minimum rating of 60 amperes.

#### **604.3 Electrical system hazards.**

Where it is found that the electrical system in a structure constitutes a hazard to the *occupants* or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, *deterioration* or damage, or for similar reasons, the *code official* shall require the defects to be corrected to eliminate the hazard.

##### **604.3.1 Abatement of electrical hazards associated with water exposure.**

The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

##### **604.3.1.1 Electrical equipment.**

Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the *International Building Code*.

**Exception:** The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or *approved* manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated a maximum of 600 volts or less;
2. Busway, rated a maximum of 600 volts;
3. Panelboards, rated a maximum of 600 volts;
4. Switchboards, rated a maximum of 600 volts;
5. Fire pump controllers, rated a maximum of 600 volts;
6. Manual and magnetic motor controllers;
7. Motor control centers;
8. Alternating current high-voltage circuit breakers;
9. Low-voltage power circuit breakers;
10. Protective relays, meters and current transformers;
11. Low- and medium-voltage switchgear;
12. Liquid-filled transformers;
13. Cast-resin transformers;

14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water;
15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water;
16. Luminaires that are listed as submersible;
17. Motors;
18. Electronic control, signaling and communication equipment.

#### **604.3.2 Abatement of electrical hazards associated with fire exposure.**

The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to fire.

##### **604.3.2.1 Electrical equipment.**

Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the *International Building Code*.

**Exception:** Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or *approved* manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

## **SECTION 605 ELECTRICAL EQUIPMENT**

### **605.1 Installation.**

All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and *approved* manner.

### **605.2 Receptacles.**

Every *habitable space* in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every *bathroom* shall contain at least one receptacle. Any new *bathroom* receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.

### **605.3 Luminaires.**

Every public hall, interior stairway, *toilet room*, kitchen, *bathroom*, laundry room, boiler room and furnace room shall contain at least one electric luminaire. Pool and spa luminaires over 15 V shall have ground fault circuit interrupter protection.

### **605.4 Wiring.**

Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings.

## **SECTION 606 ELEVATORS, ESCALATORS AND DUMBWAITERS**

**606.1 General.**

Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A 17.1. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, be available for public inspection in the office of the building *operator* or be posted in a publicly conspicuous location *approved* by the *code official*. The inspection and tests shall be performed at not less than the periodic intervals listed in ASME A 17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

**606.2 Elevators.**

In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

**Exception:** Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

## **SECTION 607 DUCT SYSTEMS**

**607.1 General.**

Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

# CHAPTER 7

## FIRE SAFETY REQUIREMENTS

### SECTION 701 GENERAL

#### **701.1 Scope.**

The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior *premises*, including fire safety facilities and equipment to be provided.

#### **701.2 Responsibility.**

The *owner* of the *premises* shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any *premises* that do not comply with the requirements of this chapter.

### SECTION 702 MEANS OF EGRESS

#### **[F] 702.1 General.**

A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the *public way*. Means of egress shall comply with the *International Fire Code*.

#### **[F] 702.2 Aisles.**

The required width of aisles in accordance with the *International Fire Code* shall be unobstructed.

#### **[F] 702.3 Locked doors.**

All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the *International Building Code*.

#### **[F] 702.4 Emergency escape openings.**

Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

### SECTION 703 FIRE-RESISTANCE RATINGS

**[F] 703.1 Fire-resistance-rated assemblies.**

The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

**[F] 703.2 Opening protectives.**

Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

## **SECTION 704 FIRE PROTECTION SYSTEMS**

**[F] 704.1 General.**

All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the *International Fire Code*.

**[F] 704.1.1 Automatic sprinkler systems.**

Inspection, testing and maintenance of automatic sprinkler systems shall be in accordance with NFPA 25.

**[F] 704.2 Smoke alarms.**

Single- or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of *occupant* load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of *bedrooms*.
2. In each room used for sleeping purposes.
3. In each story within a *dwelling unit*, including *basements* and cellars but not including crawl spaces and uninhabitable attics. In dwellings or *dwelling units* with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

Single- or multiple-station smoke alarms shall be installed in other groups in accordance with the *International Fire Code*.

**[F] 704.3 Power source.**

In Group R occupancies and in dwellings not regulated as Group R occupancies, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

**Exception:** Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or *basement* available which could provide access for building wiring without the removal of interior finishes.

**[F] 704.4 Interconnection.**

Where more than one smoke alarm is required to be installed within an individual *dwelling unit* **as required by International Fire Code as adopted by the City of Reading** in Group R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such a

manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all *bedrooms* over background noise levels with all intervening doors closed.

**Exceptions:**

1. Interconnection is not required in buildings which are not undergoing alterations, repairs or construction of any kind.
2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or *basement* available which could provide access for interconnection without the removal of interior finishes.

***704.5 Tampering. Anyone tampering or interfering with the effectiveness of a smoke detector shall be in violation of this code.***

***704.6 Maintenance. The Property Owner shall maintain all smoke detectors located in rental units.***

***704.7 Fire extinguishers. Hand held portable fire extinguishers shall be mounted in the kitchen area in accordance with the manufacturer's installation instructions as well as Annex F of the National Fire Protection Association (NFPA) #10, The Standard for Portable Fire Extinguishers, 2007 Edition.***

## **SECTION 705 ACCUMULATIONS AND STORAGE**

***705.1 Accumulations. Rubbish, garbage or other materials shall not be stored or allowed to accumulate in stairways, passageways, doors, windows, fire escapes or other means of egress.***

***705.2 Hazardous material. Combustible, flammable, explosive or other hazardous materials, such as paints, volatile oils and cleaning fluids, or combustible rubbish, such as wastepaper, boxes and rags, shall not be accumulated or stored unless such storage complies with the applicable requirements of the Building Code.***

## **CHAPTER 8**

### **REFERENCED STANDARDS**

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section 102.7.

## ASME

American Society of Mechanical Engineers  
Three Park Avenue  
New York, NY 10016-5990

Standard reference number	Title	Referenced in code section number
A 17.1/CSA B44—2007	Safety Code for Elevators and Escalators	606.1

## ASTM

ASTM International  
100 Barr Harbor Drive  
West Conshohocken, PA 19428-2959

Standard reference number	Title	Referenced in code Section number
F 1346—91 (2003)	Performance Specifications for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs	303.2

## ICC

International Code Council  
500 New Jersey Avenue, NW  
6th Floor  
Washington, DC 20001

Standard reference number	Title	Referenced in code section number
IBC-12	International Building Code®	102.3, 201.3, 401.3, 702.3
IEBC—12	International Existing Building Code®	305.1.1, 306.1.1
IFC—12	International Fire Code®	201.3, 604.3.1.1, 604.3.2.1, 702.1, 702.2, 704.1, 704.2
IFGC-12	International Fuel Gas Code®	102.3
IMC-12	International Mechanical Code®	102.3, 201.3
IPC-12	International Plumbing Code®	201.3, 505.1, 602.2, 602.3
IRC-12	International Residential Code®	201.3
IZC-12	International Zoning Code®	102.3, 201.3

## NFPA

National Fire Protection Association  
1 Batterymarch Park



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Quincy, MA 02269

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Standard reference number	Title	Referenced in code section number
25-11	Inspection, Testing and Maintenance of Water-based Fire Protection Systems	704.1.1
70-11	National Electrical Code	102.4, 201.3, 604.2

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# APPENDIX A

## BOARDING STANDARD

*The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.*

### A101 GENERAL

#### **A101.1 General.**

All windows and doors shall be boarded in an *approved* manner to prevent entry by unauthorized persons and shall be painted to correspond to the color of the existing structure.

### A102 MATERIALS

#### **A102.1 Boarding sheet material.**

Boarding sheet material shall be minimum  $\frac{1}{2}$ -inch (12.7 mm) thick wood structural panels complying with the *International Building Code*.

#### **A102.2 Boarding framing material.**

Boarding framing material shall be minimum nominal 2-inch by 4-inch (51 mm by 102 mm) solid sawn lumber complying with the *International Building Code*.

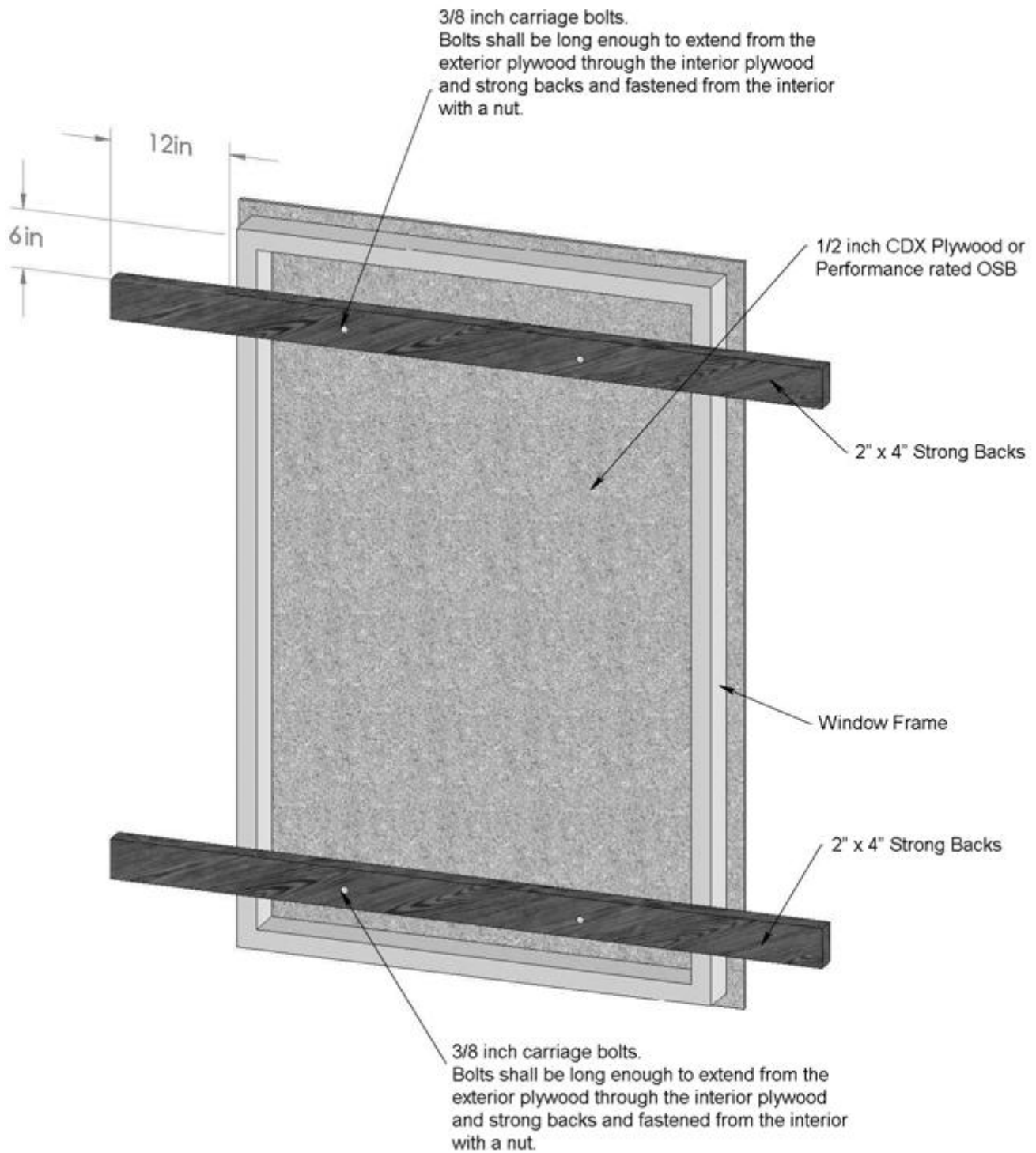
#### **A102.3 Boarding fasteners.**

Boarding fasteners shall be minimum  $\frac{3}{8}$ -inch (9.5 mm) diameter carriage bolts of such a length as required to penetrate the assembly and as required to adequately attach the washers and nuts. Washers and nuts shall comply with the *International Building Code*.

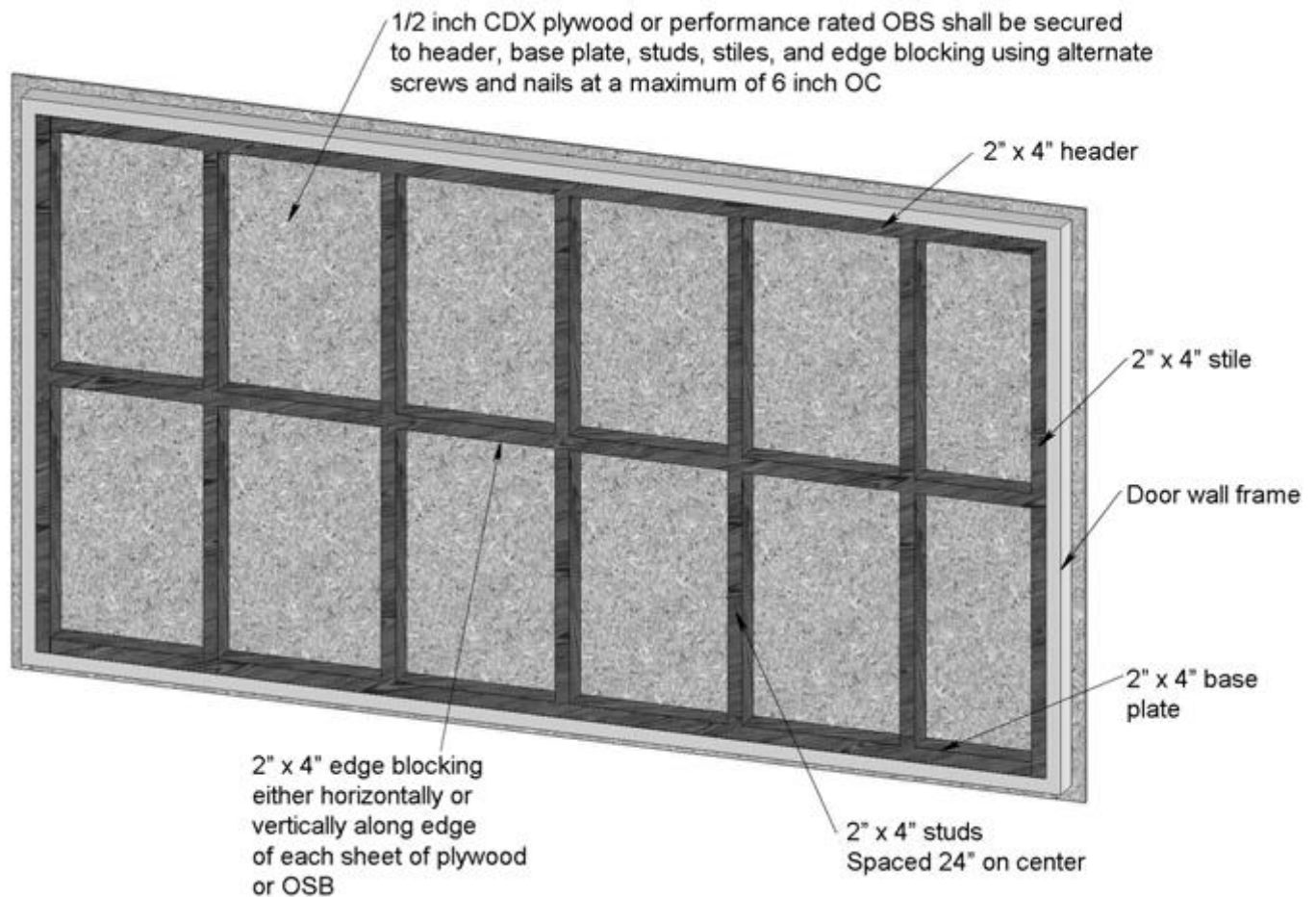
### A103 INSTALLATION

#### **A103.1 Boarding installation.**

The boarding installation shall be in accordance with Figures A103.1(1) and A103.1(2) and Sections A103.2 through A103.5.



**FIGURE A103.1(1)**  
**BOARDING OF DOOR OR WINDOW**



**FIGURE A103.1(2)**  
**BOARDING OF DOOR WALL**

#### **A103.2 Boarding sheet material.**

The boarding sheet material shall be cut to fit the door or window opening neatly or shall be cut to provide an equal overlap at the perimeter of the door or window.

#### **A103.3 Windows.**

The window shall be opened to allow the carriage bolt to pass through or the window sash shall be removed and stored. The 2-inch by 4-inch (51 mm by 102 mm) strong back framing material shall be cut minimum 2 inches (51 mm) wider than the window opening and shall be placed on the inside of the window opening 6 inches minimum above the bottom and below the top of the window opening. The framing and boarding shall be predrilled. The assembly shall be aligned and the bolts, washers and nuts shall be installed and secured.

#### **A103.4 Door walls.**

The door opening shall be framed with minimum 2-inch by 4-inch (51 mm by 102 mm) framing material secured at the entire perimeter and vertical members at a maximum of 24 inches (610 mm) on center. Blocking shall also be secured at a maximum of 48 inches (1219 mm) on center vertically. Boarding sheet material shall be secured with screws and nails alternating every 6 inches (152 mm) on center.

#### **A103.5 Doors.**

Doors shall be secured by the same method as for windows or door openings. One door to the structure shall be available for authorized entry and shall be secured and locked in an *approved* manner.

**A104**  
**REFERENCED STANDARDS**

IBC—12

International Building Code

A102.1, A102.2, A102.3

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\*This is not a complete list of all references to the PM Code.

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BILL NO. \_\_\_\_\_-2012

A N O R D I N A N C E

**AMENDING CHAPTER 5, CODE ENFORCEMENT OF THE CODIFIED ORDINANCES OF THE CITY OF READING BY ADDING ALLEYS, RECYCLING STORAGE AND THE FOOD CODE TO EXISTING QUALITY OF LIFE VIOLATIONS AND AMENDING LANGUAGE REGARDING WASTE/TRASH STORAGE TIMES AND IN THE CURRENT FINES AND PENALTIES SECTION**

**THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1:** Chapter 5 – Code Enforcement of the City of Reading Codified Ordinances is hereby amended to add alleys, recycling storage and the Food Code to §14-103, Quality of Life Violations and amending language in §14-110, Fines and Penalties per Exhibit A as attached hereto.

**SECTION 2:** All relevant ordinances, regulations and policies of the City of Reading, Pennsylvania not amended per the attached shall remain in full force and effect.

**SECTION 3:** If any section, subsection, sentence or clause of this ordinance is held, for any reason, to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

**SECTION 4:** This Ordinance shall become effective in ten (10) days, in accordance with Charter Section 219.

Enacted \_\_\_\_\_, 2012

\_\_\_\_\_  
Council President

Attest:

\_\_\_\_\_  
City Clerk

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

# EXHIBIT A

**§14-101 Purpose** – Lack of maintenance of properties, littering, improper storage of trash and rubbish, storage of inoperable /non registered vehicles, vendor operations without permits and accumulation of snow and ice are costly problems that contribute to the deterioration of property values and general disorder in a community. These problems degrade the physical appearance of the City which reduced business and tax revenue inhibiting economic development. The quality of life and community pride of the citizens of Reading are negatively impacted by the occurrences and existence of these activities. Recognizing these are community problems, the purpose of this ordinance is to promote the health, safety and general welfare of the City by helping to create a clean environment for the citizens of Reading.

**§14-102 – Definitions** The following words, terms and phrases when used in this Part shall be defined as follows, unless context clearly indicates otherwise:

**Authorized Litter Receptacle** is a litter collection receptacle which is placed on the public right-of-way or on public property by the City for use by the public to deposit small quantities of hand-held trash, but not household or commercial waste

**Debris** - any material upon the premises that is a residue of structural demolition, or any other material that is not neatly stored, stacked or piled in such a manner so as not to create a nuisance or become a harboring place or food supply for insects and rodents

**Dumping** includes, but is not limited to, depositing of litter, depositing durable goods (refrigerators, washers, dryers, etc.) small appliances, furniture, carpets, tires, vehicles, vehicle parts and automotive products and other such municipal waste, hazardous waste, residual waste and construction or demolition debris on public or private property, except as authorized by Part 1131, Solid Waste Storage, Collection and Disposal.

**Garbage.** The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

**Hazardous Waste** means any waste material or a combination of solid, liquid, semisolid, or contained gaseous material that because of its quantity, concentration, physical, chemical, or infectious characteristics may:

- a. Cause, or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating illness; and
- b. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise managed.

**Household Hazardous Waste (HHW)** is waste which would be chemically or physically classified as a hazardous waste but is excluded from regulation as a hazardous waste because it is produced in quantities smaller than those regulated by the Pennsylvania Department of Environmental Protection, and because it is generated by persons not otherwise covered as hazardous waste generators by those regulations. Such HHW materials meet one of the following four classifications: Toxic; Flammable;

Reactive; or Corrosive. HHW consists of numerous products that are common to the average household such as: Pesticides and herbicides, cleaners, automotive products, paints, and acids. (14262 §1 3/3/05)

**Indoor Furniture** - any and all pieces of furniture which are made for only inside use including, but not limited to, upholstered chairs and sofas, etc.

**Junked Vehicle** means any vehicle which presents a hazard or danger to the public or is a public nuisance by virtue of its state or condition of disrepair.

The following conditions, if present, are examples of a state or condition of disrepair:

- (1) Rusted and/or jagged metal on or protruding from the body of the vehicle;
- (2) Broken glass or windows on or in the vehicle;
- (3) Leaking of any fluids from the vehicle or deflated or flat tire(s);
- (4) Unsecured and/or unlocked doors, hood or trunk;
- (5) Storage or placement of the vehicle in an unbalanced condition, on concrete blocks or other similar apparatus;
- (6) Harboring of rodents, insects or other pests.

The foregoing examples are not inclusive of all conditions which may constitute a state or condition of disrepair. See also Motor Vehicle Nuisance.

**Litter** includes, but is not limited to, all waste material, garbage, trash, i.e. waste paper, tobacco products, wrappers, food or beverage containers, newspapers, etc., municipal waste, human waste, domestic animal waste, furniture or motor vehicle seats, vehicle parts, automotive products, shopping carts, construction or demolition material, recyclable material, dirt, mud and yard waste that has been abandoned or improperly discarded, deposited or disposed.

**Local Responsible Agent** means any person residing or working within the County of Berks designated to accept service on behalf of a legal owner or operator of a rental dwelling unit.

**Mobile Vendor** - a vendor or seller of food and/or goods from a vehicle or other conveyance upon the public streets or alleys of the City that does not typically remain stationary for more than approximately 10 minutes each hour.

**Motor Vehicle** - any type of mechanical device, capable or at one time capable of being propelled by a motor, in which persons or property may be transported upon public streets or highways, and including trailers or semi-trailers pulled thereby.

**Motor Vehicle Nuisance** – a motor vehicle with one or more of the following defects:

- A. Broken windshields, mirrors or other glass, with sharp edges.
- B. Broken headlamps, tail lamps, bumpers or grills with sharp edges.
- C. Any body parts, truck, firewall or floorboards with sharp edges or large holes resulting from rust.
- D. Protruding sharp objects from the chassis.
- E. Missing doors, windows, hood, trunks or other body parts that could permit animal harborage.

F. One or more open tires or tubes which could permit animal harborage.

G. Any vehicle suspended by blocks, jacks or other such materials in a location which may pose a danger to the public property owners visitors or residents of the property on which said vehicle is found.

H. Any excessive fluids leaking from vehicle which may be harmful to the public or the environment.

I. Disassembled body or chassis parts stored in on or about the vehicle.

J. Vehicles that do not display a current valid license and registration.

K. Such other defects which the Fire Department determines to be a danger to the general public or property.

L. Motor vehicles parked, drifted or otherwise located which may interfere with flow of pedestrian or automobile traffic or impede emergency efforts.

**Municipal waste** means any garbage, refuse, industrial, lunchroom or office waste, and other material including solid, liquid, semisolid, or contained gaseous material resulting from operation or residential, municipal, commercial, or institutional establishments or from community activities and which is not classified as residual waste or hazardous waste as defined herein. The term does not include source separated recyclable materials or organic waste.

**Notice of violation** is a written document issued to a person in violation of a city ordinance which specifies the violation and contains a directive to take corrective action within a specified time frame or face further legal action.

**Nuisance** - any condition, structure or improvement which constitutes a danger or potential danger to the health, safety or welfare of citizens of the City or causes a blighting effect in City neighborhoods. See also Public Nuisance.

**Person** means every natural person, firm, corporation, partnership, association, or institution.  
(13008 §1 11/7/90)

**Planter Strip** is the non-concrete space in the sidewalk area filled with dirt and/or grass.

**Private Property** means any land and the improvements thereon owned by any person and includes front, side and rear yards; vacant lots, buildings and other structural improvement; walkways and alleyways; and parking areas, designed or used either wholly or in part for private residential, industrial or commercial purposes, whether inhabited or temporarily or continuously uninhabited or vacant, including any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

**Public Officer** means any police officer, authorized inspector, or public official designated by the Mayor to enforce the City Ordinances.

**Public Nuisance** means any condition or premises which is unsafe or unsanitary.

**Public Right-of-Way** means the total width of any land used, reserved or dedicated as a street, alley, driveway, sidewalk or utility easement, including curb and gutter areas.

**Recyclable Material** means material which would otherwise become municipal waste, which can be collected, separated or processed, and returned to the economic mainstream in the form of raw materials or products. These materials are designated by the regulations promulgated under Chapter 20 Solid Waste Part 1 Solid Waste. Such materials may include, but not be limited to, aluminum cans, ferrous and bi-metal cans, glass containers, plastic bottles and containers, mixed paper, white goods, major appliances, televisions, tires and large auto parts.

**Residual Waste** means any discarded material or other waste including solid, semisolid or contained gaseous materials resulting from construction, industrial, mining, and agricultural operations excluding municipal water and sewer operations.

**Rubbish.** Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

**Shade Tree**, unless otherwise specified, includes all trees, shrubs, and woody vegetation in the public right-of-way.

**Sidewalk Area** means the public right-of-way between the property line and the curblineline or the established edge of the roadway.

**Solid Waste** - any waste including, but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semisolid or contained gaseous materials.

**Storage** - the containment of any municipal waste on a temporary basis in such a manner as not to constitute disposal as such waste, and it shall be presumed that the containment of any municipal waste in excess of 3 months constitutes disposal.

**Tree Well** is the non-concrete area surrounding a shade tree planted in a sidewalk area.

**Vegetation** is any planting that is cultivated and managed for edible or ornamental purposes such as vegetable gardens, trees, shrubs, hedges, flowers, etc.

**Violation Ticket** is a form issued by a police officer or public officer to a person who violates a provision of this Part. The violation ticket is an offer by the City of Reading extended to a person to settle a violation by paying the fine in lieu of a citation being issued against the violator.

**Weeds** shall be defined as all grasses, annual plants and vegetation, which meet any of the following criteria:

- a. exceed six (6) inches in height,
- b. exhale unpleasant noxious odors or pollen such as ragweed, dandelion and miscellaneous other vegetation commonly referred to as weeds or brush,
- c. may conceal filthy deposits or serve as breeding places for mosquitoes, other insects or vermin,
- d. may cause a public nuisance.

Weeds shall not include cultivated and managed vegetation planted for edible or ornamental purposes such as vegetable gardens, trees, shrubs, flowers, etc.

**Yard.** An open space on the same lot with a structure

## **§14-103 – Quality of Life Violations**

**QOL.001 Accumulation of rubbish or garbage** – All ~~exterior property and~~ premises *and exterior property, including the sidewalk and rear alley*, and the interior of every structure, shall be free from any accumulation of waste, trash, rubbish or garbage.

**QOL.002 Animal maintenance and waste/feces clean-up** – People owning, harboring or keeping an animal within the City of Reading shall not permit any waste matter/feces from the animal to collect and remain on the property so as to cause or create an unhealthy, unsanitary, dangerous or offensive living condition. All waste from animals must be cleaned up on a daily basis.

**QOL.003 Disposal of Rubbish or Garbage / Dumping** – improper disposal of rubbish or garbage or dumping or disposing of rubbish or garbage on vacant, unoccupied, or other property

**QOL.004 High weeds, grass or plant growth** – All premises and exterior property, *including the sidewalk and rear alley*, shall be maintained free from weeds or plant growth in excess of 6 inches (152.4 mm). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation. Cultivated flowers, gardens, trees and shrubs shall not be included as a violation of this ordinance.

**QOL.005 Littering or scattering rubbish** – No person shall throw, dump, place, sweep or dispose of any waste, trash, garbage or rubbish upon any public sidewalk, alley, street, bridge, public passageway, public parking area or on any public property.

**QOL.006 Motor Vehicles** – It shall be unlawful to store, park or place any unregistered, un-inspected, inoperative, unlicensed or nuisance motor vehicle on any premises. No vehicle shall, at any time, be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

**QOL.007 Operating a food cart illegally** – It shall be unlawful to operate any food cart without the proper permits and/or inspections. It shall also be unlawful to operate any food cart while any portion of the cart is inoperable.

**QOL.008 Operating or vending without the proper permit/license** – It shall be unlawful for any person, business, partnership or entity to operate, including but not limited too any business, vending cart, store or establishment without the proper permits

**QOL.009 Outside placement of indoor appliances/furniture** – It is prohibited to store or place any/all appliances or furniture including but not limited to ranges, refrigerators, air conditioners, ovens, washers, dryers, microwaves, dishwashers, mattresses, recliners, sofas, interior chairs or interior tables on the exterior of any property for the purpose of sale or any other reason except for the temporary purpose to perform maintenance in said property.

**QOL.010 Ownership presumption of waste, trash and/or recyclables for illegal dumping and illegal hauling** – It shall be the responsibility of every owner and/or occupant to dispose of their waste, trash or recyclables in a proper manner. Any business or person who is unable to show proof that they have legally disposed of any waste, trash or recyclables, will be in violation of this ordinance. Should any person or business use an unlicensed hauler to dispose of their waste, trash or recyclables, said person or business shall be in violation of this ordinance. Upon request of the Property Maintenance/Codes Administrator or his/her designee, any owner or occupant must show proof of their appropriate trash and/or recyclable hauler. Any Parts found within a municipal waste container, recycling container, garbage bag or loose trash/waste displaying the name and/or address of a person and/or persons, that trash or waste shall be presumed to be the property of such person and/or persons. It shall be unlawful for any person, business, partnership or entity to remove or haul waste, trash or recyclables without the proper approval or license.

Any waste, trash or recyclables found not to be disposed of in accordance with this ordinance, will be a violation of this ordinance.

**QOL.011 Placement or littering by private advertising matter** – No person shall throw, place, sweep or dispose of litter or private advertising matter upon any public sidewalk, alley, street, bridge, public passageway, public parking area or any public property. No person, group, organization or entity will hang, place or advertise on any public property in any manner. No person, group, organization or entity will hang, place or advertise on any property that they do not have any ownership rights without written approval of said owner.

**QOL.012 Snow and ice removal from sidewalks** – Every owner, tenant, occupant, lessee, property agent or any other person who is responsible for any property within the City of Reading, is required to remove any snow or ice from their sidewalk. Any property located along Penn Street, Washington Street and/or Court Street or along Second (2<sup>nd</sup>) Street, Third (3<sup>rd</sup>) Street, Fourth (4<sup>th</sup>) Street, Fifth (5<sup>th</sup>) Street, Sixth (6<sup>th</sup>) Street, Seventh (7<sup>th</sup>) Street, Eighth (8<sup>th</sup>) Street and Ninth (9<sup>th</sup>) Street, between Penn Street and Washington Street, shall have all snow or ice removed within two (2) hours of the cessation of said snow and ice falling. Furthermore, the entire sidewalk must be free of all snow and ice in these areas. Any other property within the City of Reading shall have all snow and ice removed within four (4) hours of the cessation of said snow and ice falling and must create a path, free from any snow or ice, of three (3) feet on said sidewalk. Should any property be a place of business within the City of Reading, all snow and ice must be removed within two (2) hours of the cessation of said snow and ice falling. Any property deemed a business; the entire sidewalk must be free from any snow and ice. If/when the snow and/or ice cessation happens during the hours of darkness, the time limit of removal of all snow and ice begins at daybreak.

**QOL.013 Storage containers for waste ~~or~~, /trash and/or recyclables**– The owner of every premise shall supply approved containers for waste ~~or~~, /trash **and/or recyclables** as well as be responsible for the removal of rubbish. All containers that store waste ~~or~~, /trash shall be durable, water tight and made of metal or plastic. **Waste/trash** containers must have tight fitting covers and must be kept clean and odor free at all times. All containers must be stored ~~in the rear of every property~~ so said containers are not visible from the public right-of-way. ***Plastic bags can be used as municipal waste receptacles, for collection purposes only, provided that they are sealed to prevent scattering about of their contents and do not contain any rips, tears or punctures.*** ~~Waste/trash~~ All ~~containers~~ **and/or durable plastic bags** may only be placed in front of any property ~~when darkness occurs~~ **after 6pm** the night before the day of the scheduled pick-up day. Once the licensed hauler removes the waste/trash/**recycling** from any property, all containers must be ~~returned to the rear of any property~~ **stored away from the public right-of-way** before daybreak on the day following pick-up. (Example – Jim Smith’s trash collection day is Wednesday. Jim Smith may place his **waste/trash/recycling** containers out front of his property on Tuesday night, ~~once night falls~~ **after 6pm**. Jim Smith must ~~place~~ **store** his **waste/trash/recycling** containers ~~in the rear of his yard~~ **away from the public right-of-way** before daybreak, on Thursday morning.)

**QOL.014 Storing or discarding of appliances** – Refrigerators and similar equipment including but not limited too washers, dryers, dishwashers and ranges not in operation shall not be discarded, stored or abandoned on any premises without first removing the doors.

**QOL.015 Storing of hazardous material** – It shall be unlawful for any person, business or entity to store combustible, flammable, explosive or other hazardous materials, including but not limited too paints, volatile oils and cleaning fluids or combustible rubbish including but not limited too wastepaper, boxes or rags unless the storage of said materials is stored in compliance with the applicable Building Codes.

**QOL.016 Storing of recyclables** – It shall be the responsibility of the owner of all residential, commercial and industrial property to ensure storage, collection and disposal of all recyclables from their property in



such a manner not to create a public nuisance. Storage of recyclables is only ~~prohibited~~ *allowed* in approved containers which must be kept clean and sanitary at all times.

**QOL.017 Storing or serving of potentially hazardous food** – No person, business, partnership or entity shall store or serve potentially hazardous food. Including but not limited too out of date food, food being stored above or below the appropriate temperature, food being stored directly on a flooring surface, infestation problems at the location or serving food that had previously been open are considered a violation of this ordinance.

**QOL.018 Swimming pools** – Swimming pools shall be maintained in good repair at all times. They shall also be kept clean, safe, covered and sanitary as well.

**QOL.019 Violating the terms of ~~any vending license~~ *the food code*** – It shall be unlawful to violate any term, part, portion or in total, any ~~vending license~~ *section of the food code*. Any person, business, partnership or entity violating ~~their vending license~~ *the food code* shall be in violation of this ordinance.

**§14-104 Authority for Issuance of Violation Ticket** – Upon finding a Quality of Life Violation any City of Reading Property Maintenance Inspector appointed by the Property Maintenance/Codes Administrator of the City of Reading, may issue Quality of Life Violation Tickets to the owner and/or occupant of the property at issue or to the individual known to have violated this ordinance.

#### **§14-105 Enforcement**

A. The provisions of this Part shall be enforced by police officers, or any other public officer authorized to enforce ordinances.

B. Any violation of the provisions of this Part may be cause for a citation, a violation ticket and/or a notice of violation to be issued to the violator.

**§14-106 Service** A violation ticket shall be served upon a violator by handing it to the -violator, by handing it at the residence of the person to be served to an adult member of the household or other person in charge of the residence, by leaving or affixing the notice or violation ticket to the property where the violation exists, by handing it at any office or usual place of business of the violator, to his/her agent or to the person for the time being in charge thereof, or by mailing the notice to the violator's address of record.

**§14-107 Separate Offense** – Each day a violation continues or is permitted to continue may constitute a separate offense for which a separate fine may be imposed.

**§14-108 Regulations** – The Property Maintenance/Codes Administrator is hereby authorized to promulgate rules and regulations to implement and supplement the provisions of this Ordinance.

**§14-109 Abatement of Violation** – Any person or business violating this ordinance is hereby directed to satisfy the City of Reading and its citizens, upon issuance of a Quality of Life Ticket, by correcting the violation in question. A public officer is authorized and empowered to cause a violation to be corrected. The cost shall be determined by the Administrator of the Property Maintenance Division or designee in order that the City shall be compensated for both direct and indirect costs and expenses incurred.

The City of Reading and/or their contractor, per the direction of the city, reserves the right to abate the violation in question at the expense of the owner. . If the City has effected the abatement of the violation, the cost thereof may be charged to the owner of the property, tenant or offending party. A bill/invoice will be generated to the violator for payment separate from the Quality of Life Ticket which will also be paid separately.

In all instances where the City abates the violation, in addition to the fine set forth in the Quality of Life Ticket, the City is authorized to recover from the offending party, the owner of the property, or tenant the abatement charges and such other charges established by the Property Maintenance/Codes Administrator in the rules and regulations.

**City of Reading Cleanup** – The city reserves the right to perform any necessary work to abate any violation once seventy-two (72) hours passes from the date of issuance of the Quality of Life Ticket. Should the violation at the discretion of the Property Maintenance/Codes Administrator and/or his or her designee present imminent danger and/or pose a health hazard and/or risk, the city reserves the right to perform the abatement immediately. The city will perform this work at a rate of \$60.00 per hour per man and forward the cost of any material necessary for the abatement. The city reserves the right to charge an additional twenty percent (20%) on all material purchases to cover all miscellaneous expenses such as wear and tear on equipment.

**Contractor Cleanup** – The city reserves the right to direct a contractor to perform the abatement of the violation in question once seventy-two (72) hours passes from the date of issuance of the Quality of Life Ticket. Should the violation present imminent danger and/or pose a health hazard and/or risk, the city reserves the right to direct the contractor to perform the abatement immediately. The contractor will submit a bill for their work to the City of Reading and the city will forward these costs to the violator. The city reserves the right to add a thirty percent (30%) processing fee in addition to the cost of the contractor.

## **§14-110 FINES AND PENALTIES**

### **A. Violation Ticket Fines**

1. For the first of a violation of this Part within a twelve (12) month period, violation tickets shall be issued in the amounts of Twenty-Five Dollars (\$25) or Fifty Dollars (\$50) as set forth on the chart below.

2. For the second offense of a violation of this Part within a twelve (12) month period, violation tickets shall be issued in the amounts of Fifty Dollars (\$50) or One Hundred Dollars (\$100) ~~Dollars~~ as set forth on the chart below.

3. For the third *and subsequent* offense of a violation of this Part within a twelve (12) month period, violation tickets shall be issued in the amounts of One Hundred *and Fifty* Dollars (\$150) ~~Dollars~~ or Two Hundred and Fifty Dollars (\$250) as set forth on the chart below.

4. ~~For each offense subsequent to three offenses of this Part within a twelve (12) month period, amounts of violation tickets shall increase in the amount of One Hundred Fifty Dollars (\$150) or Two Hundred Fifty Dollars (\$250) accumulative for each subsequent offense.~~ **Any person who receives a violation ticket for any violation of this Part may within fifteen (15) days, admit the violation, waive a hearing and pay the fine in full satisfaction.**

5. ~~Any persons who receives a violation ticket for any violation of this Part, except, may within fifteen (15) days, admit the violation, waive a hearing and pay the fine in full satisfaction.~~ **Any person violating this Part shall pay a fine as set forth herein for each offense plus all direct and indirect costs incurred by the City for the clean up and abatement of the violation.**

~~6. Any person who violating this Part shall pay a fine as set forth herein for each offense plus all direct and indirect costs incurred by the City for the clean up and abatement of the violation.~~

Violation number for Quality of Life Ticket Ordinance	Brief description of violations for Quality of Life Ticket Ordinance	Fine 1	Fine 2	Fine for <del>every</del> <b>instance over 2</b> third and subsequent instance
QOL – 001	Accumulation of rubbish or garbage	\$25.00	\$50.00	\$100.00
QOL – 002	Animal maintenance and waste/feces clean-up	\$25.00	\$50.00	\$100.00
QOL – 003	Disposal of rubbish or garbage / Dumping	\$25.00	\$50.00	\$100.00
QOL – 004	High weeds, grass or plant growth	\$25.00	\$50.00	\$100.00
QOL – 005	Littering or scattering rubbish	\$25.00	\$50.00	\$100.00
QOL – 006	Motor vehicles	\$25.00	\$50.00	\$100.00
QOL – 007	Operating a food cart illegally	\$25.00	\$50.00	\$100.00
QOL – 008	Operating or vending without the proper permit/license	\$25.00	\$50.00	\$100.00
QOL – 009	Outside placement of indoor appliances/furniture	\$25.00	\$50.00	\$100.00
QOL – 010	<u>Ownership presumption of waste, trash and/or recyclables for illegal dumping and illegal hauling</u>	\$50.00	\$100.00	\$250.00
QOL – 011	Placement or littering by private advertising matter	\$25.00	\$50.00	\$100.00
QOL – 012	Snow and ice removal from sidewalks	\$25.00	\$50.00	\$100.00
QOL – 013	Storing containers for waste or trash	\$25.00	\$50.00	\$100.00
QOL – 014	Storing or discarding of appliances	\$25.00	\$50.00	\$100.00
QOL – 015	Storing of hazardous material	\$50.00	\$100.00	\$250.00
QOL – 016	Storing of recyclables	\$25.00	\$50.00	\$100.00
QOL – 017	Storing or serving of potentially hazardous food	\$50.00	\$100.00	\$250.00
QOL – 018	Swimming pools	\$25.00	\$50.00	\$100.00
QOL – 019	Violating the terms of any vending license	\$25.00	\$50.00	\$100.00

## B. Violation Ticket Penalties

1. If the person in receipt of a Twenty-Five Dollar (\$25) ~~dollar~~-violation ticket does not pay the fine or request a hearing within fifteen (15) days, the person will be subject to a ten (\$10) dollar penalty for days sixteen (16) through thirty (30).

2. If the person in receipt of a ~~One Hundred Dollar (\$100) dollar~~ **Fifty Dollar (\$50.00)** violation ticket does not pay the fine or request a hearing within fifteen (15) days, the person will be subject to a Twenty-Five (\$25) dollar penalty for days sixteen (16) through thirty (30)..

3. If the person in receipt of a One Hundred **and Fifty** Dollar (\$150) ~~Dollar~~ or Two Hundred and Fifty Dollar (\$250) or higher violation ticket does not pay the fine or request a hearing within ten (10) days, the person will be subject to a Fifty **Dollar** (\$50) ~~Dollar~~ penalty for days sixteen (16) through thirty (30).:-

4. Failure of the person to make payment or request a hearing within thirty (30) days of a violation ticket shall make the person subject to a citation for failure to pay.

5. If violations continuous or egregious, code official has right to issue citation without first issuing ticket provided notice has been given. Upon issuance of four (4) tickets for same violation, right is reserved for code official to issue citation for fifth and subsequent offenses.

## C. Citation Fines

Any person, firm or corporation who shall fail, neglect or refuse to comply with any of the terms or provisions of this Part, or of any regulation or requirement pursuant hereto and authorized hereby shall, upon conviction, be ordered to pay a fine *of* not less than One Hundred Dollars (\$100) ~~Dollars~~, *and* not more than One Thousand Dollars (\$1,000) ~~Dollars~~ on each offense or imprisoned no more than ninety (90) days, or both.

#### D. Restitution

The Magisterial District Judge may order the violator to make restitution to said real or personal property owner.

**§14-111 APPEAL** – A person in receipt of a violation ticket may appeal to the Property Maintenance / Codes Administrator by filing a request in writing within fifteen (15) calendar days of date of the violation ticket.

In order for an appeal to be deemed valid and a hearing date/time to be set, the following must be performed by the alleged violator requesting the appeal within fifteen (15) calendar days

1. All paperwork, including the appropriate appeal form, for the appeal must be submitted and complete within fifteen (15) calendar days that the Quality of Life Ticket was issued.
2. Payment of the fine must be in full which will be refunded within thirty (30) calendar days should the alleged violator win their appeal.

The appeal hearing will be before the Property Maintenance/Codes Administrator or his/her designee. The Administrator or his/her designee may uphold the appeal, deny the appeal, or may modify the violation ticket and/or any associated costs, fines or penalty amounts as he/she sees appropriate.

**§14-112 Nonexclusive Remedies.** The penalty and collection provisions of this Section shall be independent, non-mutually exclusive separate remedies, all of which shall be available to the City of Reading as may be deemed appropriate for carrying out the purposes of this Part. The remedies and procedures provided in this Part for violation hereof are not intended to supplant or replace to any degree the remedies and procedures available to the City in the case of a violation of any other City of Reading Code or Codified Ordinances, whether or not such other code or ordinance is referenced in this Part and whether or not an ongoing violation of such other code or ordinance is cited as the underlying ground for a finding of a violation of this Part.

**§14-113 Severability** If any provision, paragraph, word, section or subsection of this Part is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, or subsection shall not be affected and shall remain in full force and effect.

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## **Suggested break-out of Backlog Hearings**

### **1. Dividing Hearings per Council District**

**District 1 – approximately 52 Hearings**

**District 2 – approximately 67 Hearing**

**District 3 – approximately 148 Hearings**

**District 4 – approximately 42 Hearings**

**District 5 – approximately 63 Hearings**

**District 6 - approximately 68 Hearings**

### **2. Independent hearing officer** - hearings for properties in the low density residential zones with 1, 2, 3 and 4 units – approximately 571 Hearings (*hearings for properties in R1 and R2 will be referred to a Full Council conditional use hearings*)

### **3. A. One or two members of Council** (splitting the hearings) hearings for properties with 5 and 6 units – approximately 66 Hearings or 33 per Councilor (*hearings for properties in R1 and R2 will be referred to a Full Council conditional use hearings*)

#### **B. Broken Down by District for properties with 4, 5 or 6 units**

**District 1 – approximately 11 Hearings**

**District 2 – approximately 22 Hearings**

**District 3 – approximately 29 Hearings**

**District 4 – approximately 6 Hearings**

**District 5 – approximately 12 hearings**

**District 6 – approximately 12 Hearings**

### **4. Full Council** – hearings for properties with 7 units (including rooms) and above and all properties within the R1 and R2 low density zones– approximately 50 Hearings

## Conditions to Qualify for Zoning Administrator Approval Without a Conditional Use Hearing

### **§11-104. Application for ~~Registration and Issuance~~ of a Rental Housing Permit.**

#### **2. *Special provisions for properties with a valid "Housing Permit" issued prior to December 31, 2007 but lacking valid zoning permits for Multiple Dwelling or Rooming House use.***

*A. Any property previously registered with the City of Reading Property Maintenance Division and holding a valid "Housing Permit" issued by the Reading Property Maintenance Division prior to December 31, 2007 and has remained current shall be required to apply to the Zoning Administrator for a zoning permit prior to submitting an Application for a Rental Housing Permit. The Zoning Administrator shall make an initial determination as to whether the subject property is located within a zoning district where multi-family rental use is legally permitted as an allowed use or a use previously approved as a Conditional Use pursuant to subsection D of §27-1203 of the Zoning Ordinance, as amended.*

*(i) If the Zoning Administrator determines that the subject property is located within a zoning district where multi-family rental use is legally permitted in accordance with the foregoing provisions in Subsection A it will be granted a zoning permit as a legally permitted use under the applicable zoning, subject to subsection B hereunder, and it will be required to comply with all of the provisions of this Chapter and any other applicable chapters as verified upon inspection by the Property Maintenance Division.*

*(ii) If the subject property had a valid Housing Permit as of December 31, 2007 but is determined to be located within a zoning district where multi-family rental use is not legally permitted in accordance with the foregoing provisions in Subsection A it will be granted a zoning permit as a prior "non-conforming use" by the Zoning Administrator within the meaning of subsection B of §27-607 of the Zoning Ordinance and remain eligible for a Rental Housing Permit provided it conforms to the remaining requirements of the City of Reading Codes and Codified Ordinances.*

*B. The Zoning Administrator shall make a secondary determination as to whether the number of dwelling units present exceeds the number of units previously recorded for the premises in City records. A Rental Housing Permit will be denied until the property is modified to comply with the number of units previously recorded.*

- C. A zoning permit issued by the Zoning Administrator in accordance with Sections A and B hereinabove shall satisfy the requirements of §11-104 1.G. and the issuance of a Rental Housing Permit shall be subject to compliance with the remaining provisions of §11-104 1.*



# CITY OF READING

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**TO:** Council of the City of Reading

**FROM:** Carl E. Geffken, Managing Director

**RE:** Request for Ordinance authorizing the acquisition, by condemnation or otherwise, of two former railroad properties for the construction of the new 42-inch sanitary sewer force main.

**DATE:** February 9, 2012

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As part of the City of Reading Public Works Departments' ("Public Works Department") overall strategy associated with capital improvements to the Fritz Island Wastewater Treatment Plant ("WWTP") and sewer system necessary to achieve compliance with the City of Reading's ("City") obligations pursuant to the Consent Decree with the United States Department of Justice and Pennsylvania Department of Environmental Protection, the Public Works Department is planning on constructing a new 42-inch force main paralleling the existing force main from the 6th and Canal Street Pump Station to the WWTP (the "Force Main Project").

In order to perform the Force Main Project, the City requires the right to occupy, use and access various properties during the construction phase and/or permanently maintaining and operating the components of the sanitary sewer system. Two such unimproved and vacant parcels are located along the west shore of the Schuylkill River between the 6th and Canal Pump Station and WWTP identified as Property Identification Numbers 18530651852796 and 18530616947572 (the "Properties"). The existing 42-inch Force Main currently exists on or adjacent to the Properties and the City uses the Properties for accessing the existing 42-inch Force Main and plans to use the Properties in the future for maintenance and repair of the sewer facilities.

The City engaged a title searcher to identify the current title owner of the Properties in order for the City to acquire the necessary rights for the Force Main Project. According to the results of the title searcher, there does not appear to be a clear title owner to the Properties because of inconsistencies associated with conveyance documents from the bankruptcy proceedings associated with the Reading Company, which operated the Properties as a railroad for the Schuylkill-Lehigh and Union Canal Branch Lines.

In fact, the City believed it owned rights to all or part of the properties as a result of a Quitclaim Deed from Conrail in the 1980's. However, the title searcher raised concerns about such transaction because it did not appear that Conrail ever obtained ownership to the Properties since the Properties were not specifically transferred to Conrail as a result of the Reading Company dissolution.

The City corresponded with Norfolk Southern (the successor in title to Conrail for the rail lines in the City) and Reading International, Inc. (the successor in interest to Reading Company) to discuss transferring rights to the Properties. However, both entities claim that the Properties are not within their real estate portfolio.

Therefore, Fox Rothschild LLP, as Special Counsel to the City, recommends that the City acquire the necessary rights to the Properties, through condemnation or other proceedings, so that the City obtains clear title to the Properties for performing the Force Main Project and maintaining the sanitary sewer facilities.

The Public Works Department has not had a real estate appraisal performed on the Properties as of the date of this request; however, the current assessed value identified by the Berks County Assessment Office for the Properties is:

Property Identification Number: 18530651852796

Total Assessed Value: \$1,600

Assessed Acres: 3.28

Property Identification Number: 18530616947572

Total Assessed Value: \$16,100

Assessed Acres: 11.1

The Public Works Department respectfully requests that the Council for the City of Reading authorize the City to institute such condemnation or other proceedings so that the City can move forward with the Force Main Project in accordance with the City's obligations under the Consent Decree.

AN ORDINANCE

**AUTHORIZING THE MAYOR TO ACQUIRE, BY CONDEMNATION OR OTHERWISE, A FEE OR EASEMENT INTEREST, AS DEEMED NECESSARY OR PRUDENT BY THE MAYOR, IN THE PARCELS OF LAND IDENTIFIED AS PROPERTY IDENTIFICATION NUMBERS 18530651852796 AND 18530616947572 (THE “PROPERTIES”) LOCATED ALONG THE WEST SHORE OF THE SCHUYLKILL RIVER BETWEEN THE SIXTH AND CANAL PUMP STATION AND FRITZ ISLAND WASTEWATER TREATMENT PLANT (“WWTP”) FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING SUCH SANITARY SEWER FACILITIES REQUIRED FOR THE EFFICIENT TRANSPORTATION OF SEWAGE TO THE WWTP.**

**WHEREAS**, the City of Reading maintains an existing 42-inch sanitary sewer force main underlying the surface of the Properties or adjacent properties thereto;

**WHEREAS**, in order for the City of Reading to perform the required upgrades to its existing sewer facilities in compliance with applicable laws, the City of Reading will construct a redundant 42-inch sanitary sewer force main roughly paralleling the existing force main;

**WHEREAS**, the Properties were formerly owned and operated as a railroad by the Reading Company for the Schuylkill-Lehigh and Union Canal Branch Lines;

**WHEREAS**, current ownership of the Properties is unclear due to the dissolution of the Reading Company’s assets in bankruptcy proceedings;

**WHEREAS**, the City of Reading will be required to construct the redundant 42-inch force main on the Properties and use the Properties for accessing the Properties for ongoing maintenance and repair.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:**

SECTION 1. The Mayor of the City of Reading is hereby authorized to take such actions to acquire, by condemnation or otherwise, a fee or easement interest, as deemed necessary or prudent by the Mayor, in the parcels of land identified as Property Identification Numbers 18530651852796 and 18530616947572 located along the west shore of the Schuylkill River between the Sixth and Canal Pump Station and Fritz Island Wastewater Treatment Plant.

SECTION 2. This Ordinance shall be effective ten (10) days after passage.

Enacted \_\_\_\_\_, 2012

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President of Council

Attest:

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City Clerk

(LAW DEPT)

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_